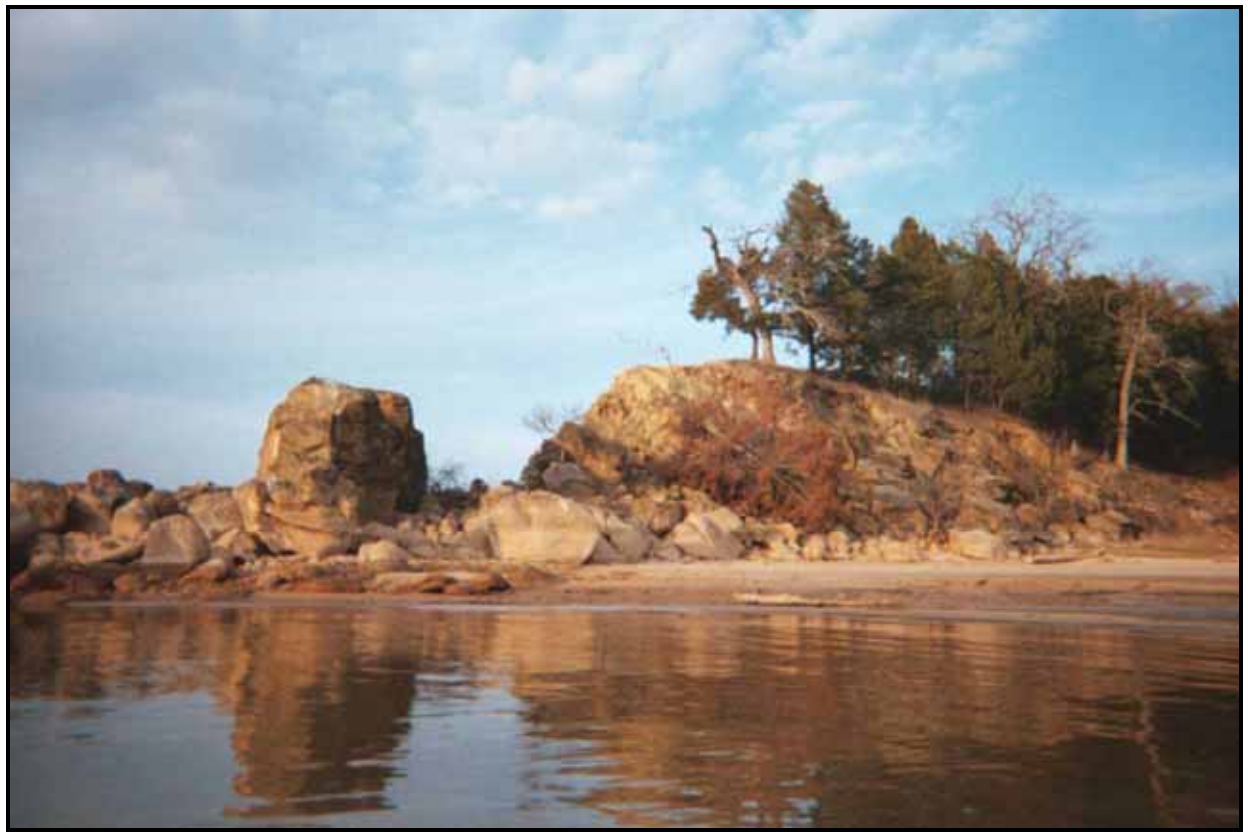


**ENVIRONMENTAL ASSESSMENT  
OF THE SALE OF LAND AT  
LAKE TEXOMA, OKLAHOMA**



**U.S. Army Corps of Engineers  
Southwestern Division  
Tulsa District**

**June 2005**

## **Environmental Assessment Organization**

This environmental assessment (EA) evaluates the environmental effects of the U.S. Army Corps of Engineers, Tulsa District's Proposed Action to sell lands at Lake Texoma, Oklahoma, to the State of Oklahoma Commissioners of the Land Office. This EA will facilitate the decision process regarding the proposed action and alternatives.

**SECTION 1** PURPOSE, NEED, AND SCOPE summarizes the purpose of and need for the Proposed Action, provides relevant background information, and describes the scope of the EA.

**SECTION 2** ALTERNATIVES examines the alternatives to implementing the Proposed Action.

**SECTION 3** PROPOSED ACTION describes the recommended action.

**SECTION 4** AFFECTED ENVIRONMENT describes the existing environmental and socioeconomic setting.

**SECTION 5** ENVIRONMENTAL IMPACTS OF THE PROPOSED ACTION identifies the potential environmental and socioeconomic effects of implementing the proposed action and alternatives.

**SECTION 6** MITIGATION PLAN summarizes mitigation actions required to enable a Finding of No Significant Impact for the Proposed Action.

**SECTION 7** FEDERAL, STATE, AND LOCAL AGENCY COORDINATION provides a listing of individuals and agencies consulted during preparation of the EA.

**SECTION 8** REFERENCES provides bibliographical information for cited sources.

**SECTION 9** LIST OF PREPARERS identifies persons who prepared the document and their areas of expertise.

<b>APPENDICES</b>	<b>A</b>	Coordination / Correspondence
	<b>B</b>	U.S. Fish and Wildlife Service Correspondence
	<b>C</b>	Cultural Resources Coordination
	<b>D</b>	Public Notice, Comments, and Agency Responses

# ENVIRONMENTAL ASSESSMENT OF THE SALE OF LAND AT LAKE TEXOMA, OKLAHOMA

*Prepared for:*

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Contract No.: DACA56-02-D-2002  
Task Order No.: 0044  
e<sup>2</sup>M Project No.: 5330-044

June 2005



## PRELIMINARY DRAFT FINDING OF NO SIGNIFICANT IMPACT

In accordance with the National Environmental Policy Act of 1969, including guidelines in 33 *Code of Federal Regulations*, Part 230, the Tulsa District has assessed the environmental impacts of the sale of approximately 564 acres of land at the Lake Texoma Project, Oklahoma. The action includes the area known as Lake Texoma State Park north of U.S. Highway 70, including the Chickasaw Pointe golf course, along with portions of the state park south of U.S. Highway 70, lying east of the airport and north of the marina and picnic areas. The Lake Texoma State Lodge, Lake Texoma Golf Course, and many of the existing state cabins are anticipated to be included in this proposed land transfer. The proposed transfer is a Congressionally-mandated action, carried out in accordance with the provision of the Water Resource Development Act of 1999 (Public Law 106-53, 113 Stat. 359). This assessment was prepared in accordance with U.S. Army Corps of Engineers regulations, 33 *Code of Federal Regulations*, Part 230, Policy and Procedures for Implementing the National Environmental Policy Act. It has been determined from the enclosed environmental assessment that the sale of land will have no significant adverse effects on the natural or human environment. Therefore, an environmental impact statement will not be prepared.

---

Date

Miroslav P. Kurka  
Colonel, U.S. Army  
District Engineer

Enclosure: Environmental Assessment

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## **ACRONYMS AND ABBREVIATIONS**

AMSL	Above Mean Sea Level
CAA	Clean Air Act
CCD	Census County Division
CEQ	Council on Environmental Quality
CFR	Code of Federal Regulations
cfs	Cubic Feet Per Second
CWA	Clean Water Act
dB	Decibel
dBA	A-weighted sound level measurement
DNL	Day-Night Average A-weighted sound level
FEMA	Federal Emergency Management Agency
$L_{\max}$	Single Event Maximum Sound Level
LTSMP	Lake Texoma Shoreline Management Plan
NEPA	National Environmental Policy Act
ODWC	Oklahoma Department of Wildlife Conservation
ODEQ	Oklahoma Department of Environmental Quality
OTRD	Oklahoma Tourism and Recreation Department
$PM_{2.5}$	Particulate Matter (less than 2.5 microns)
$PM_{10}$	Particulate Matter (more than 10 microns)
POL	Petroleum, Oil, and Lubricants
SEL	Sound Exposure Level
SIP	State Implementation Plan
TCEQ	Texas Commission on Environmental Quality
TMDL	Total Maximum Daily Load
TPWD	Texas Parks and Wildlife Department
USC	United States Code
USACE	U.S. Army Corps of Engineers
USEPA	U.S. Environmental Protection Agency
USFWS	U.S. Fish and Wildlife Service

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## 1.0 INTRODUCTION

### 1.1 PURPOSE, NEED, AND SCOPE

The U.S. Army Corps of Engineers, Tulsa District (USACE), is proposing to sell land within federal ownership at Lake Texoma, Oklahoma (figure 1-1), to the State of Oklahoma Commissioners of the Land Office (Land Office). Pursuant to the Water Resources Development Act of 1999 (Public Law [PL] 106-53 113 Stat. 359), approximately 1,580 acres of land currently leased to the Oklahoma Tourism and Recreation Department (OTRD) in Marshall County, Oklahoma, would be sold; however, the Land Office has requested that only 564 acres be conveyed. The purpose and need for the sale of the land is to comply with the requirements of the Water Resources Development Act of 1999.

Denison Dam and Lake Texoma were authorized for construction by the Flood Control Act approved June 28, 1938, (PL 75-791) for flood control and generation of hydroelectric power (USACE 2003a). The dam, spillway, and outlet works were started in August 1939, and completed in February 1944. At that time, Denison Dam was America's largest rolled, earth-filled dam. The project was put into operation for flood control in January 1944. The first hydroelectric turbine was placed in operation in March 1945, while a second unit became operational in September 1949. Denison Dam is on the Red River in Bryan County, Oklahoma, and Grayson County, Texas, about 726 miles upstream from the mouth of the river. The dam site is approximately 5 miles northwest of Denison, Texas, and 15 miles southwest of Durant, Oklahoma. Lake Texoma is in Bryan, Marshall, Johnston, and Love Counties, Oklahoma; and in Grayson and Cooke Counties, Texas (USACE 2003a).

Lake Texoma State Park, located on the north shore of Lake Texoma, is one of many public use areas associated with the lake (figure 1-2). It is comprised of a conglomerate of state-owned lands, as well as federally owned lands that are leased to the state, totaling approximately 1,882 acres (Oklahoma Parks, Resorts, and Golf 1999). The park is home to numerous state and concession operated facilities and activities (see figure 1-3 for a layout of these facilities), including::

- a resort lodge with 106 guest rooms and suites
- 67 cottages
- the Bayview Lodge with 20 rooms and a 40-person capacity
- meeting rooms
- The Galley Restaurant
- Waterfront Lounge
- four lake huts
- three camping areas with over 500 campsites
- an RV Rally Group campground
- an indoor fitness / recreation center
- swimming beach and pool
- boating
- water skiing
- bumper boats
- striped bass (*Morone saxatilis*) fishing guide service and packages
- a fishing dock
- a full-service marina (including pontoon boat rentals)
- a nature center
- hiking
- horseback riding
- hayrides
- bicycle rentals
- miniature golf
- a go-cart track
- a grocery store
- two, 18-hole golf courses with pro-shops, a driving range, and a putting green (Oklahoma Parks, Resorts, and Golf 1999)

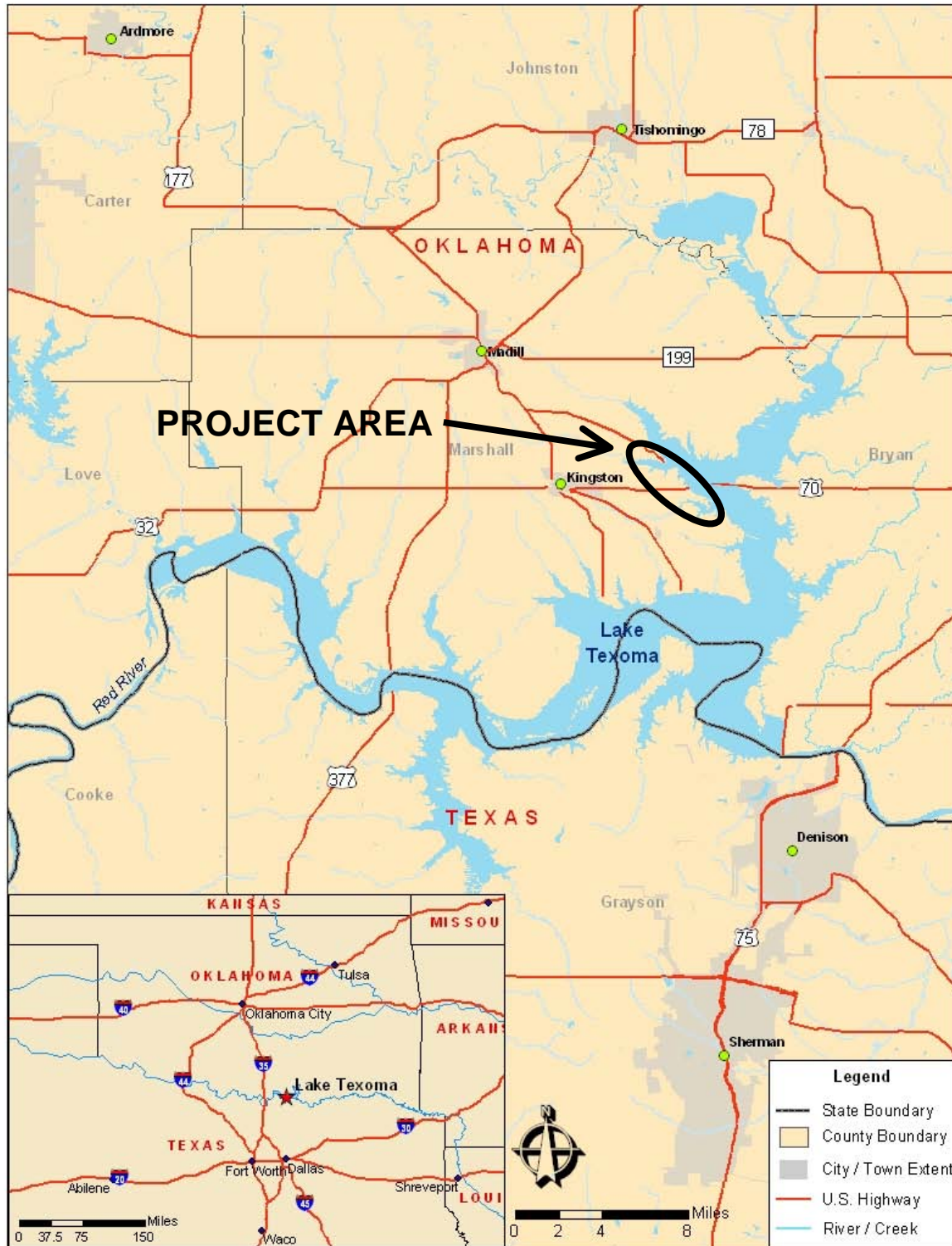


FIGURE 1-1. VICINITY MAP, LAKE TEXOMA LAND TRANSFER



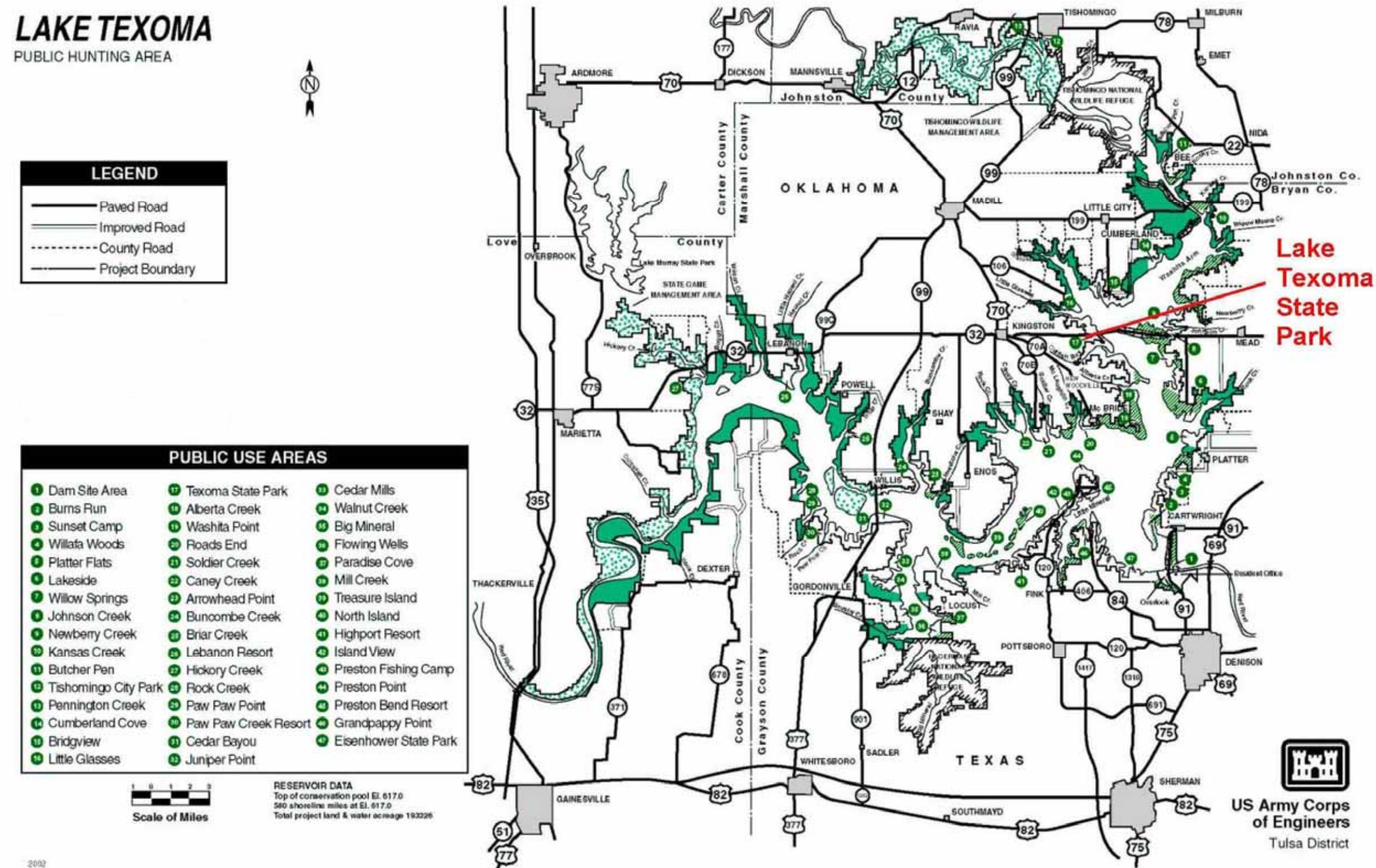


FIGURE 1-2. PUBLIC USE AREAS IN THE VICINITY OF LAKE TEXOMA

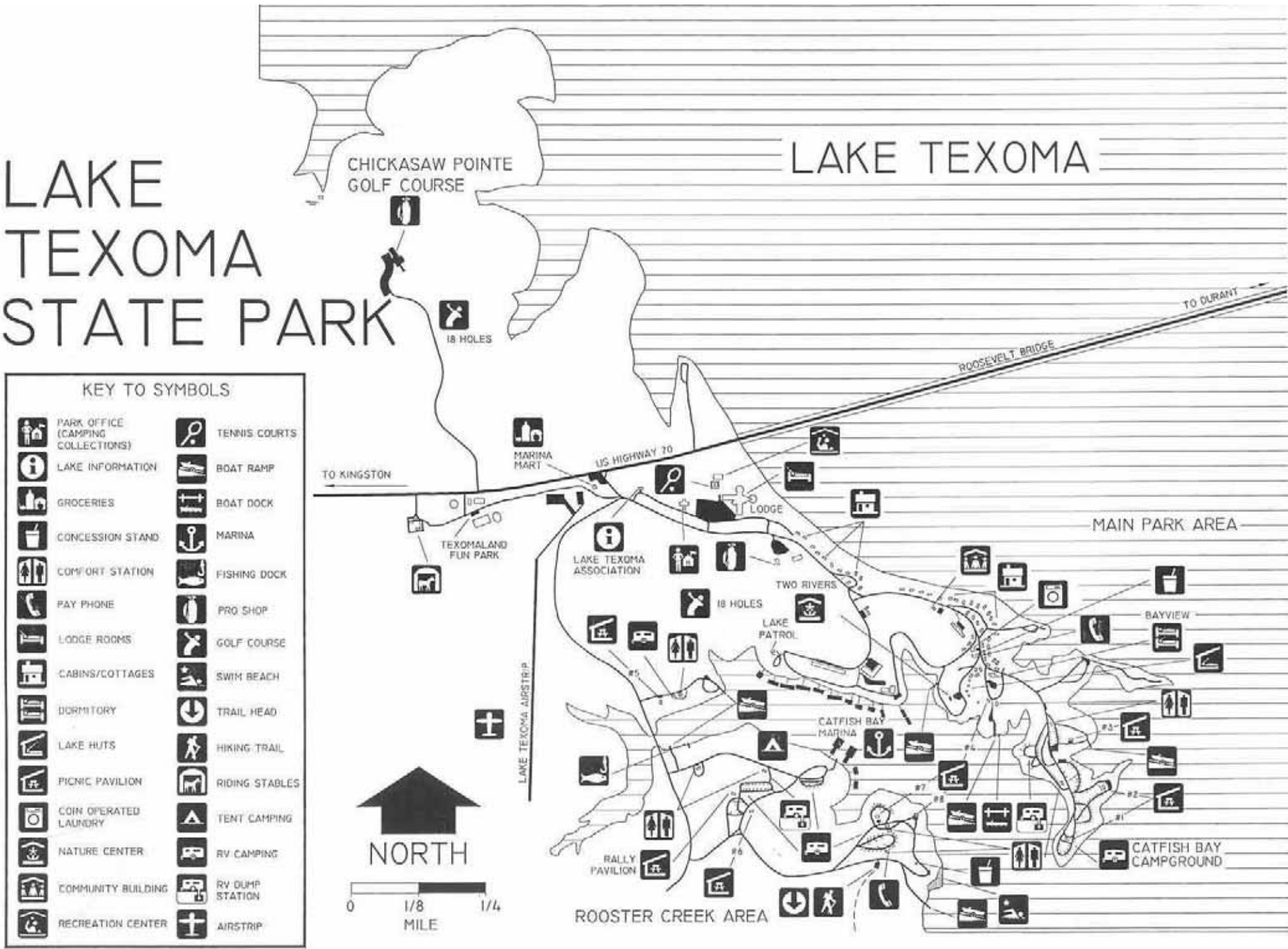


FIGURE 1-3. LOCATION OF FACILITIES AT LAKE TEXOMA STATE PARK



The National Environmental Policy Act of 1969 (NEPA) (PL 91-190) requires all federal agencies to address the environmental impacts of any major federal action on the natural and human environment. Guidance for complying with NEPA is contained in Title 40 of the *Code of Federal Regulations* (CFR), Parts 1500 through 1508, and in Engineering Regulation 200-2-2, *Procedures for Implementing NEPA*. This environmental assessment (EA) was developed to assure that the proposed sale of federal property complies with the intent of NEPA.

This EA has been prepared by the USACE to assess the environmental and socioeconomic effects of selling approximately 564 acres of land to the Land Office, as well as the proposed development on those lands. The alternatives described in Chapters 2.0 and 3.0 of this EA only consider developments proposed on the USACE land to be sold to the state. Concurrent with this sale, the Land Office will be purchasing approximately 186 acres of land from the OTRD. Because this is a separate, state-initiated action, the sale of these lands and the subsequent development are not considered as part of the alternatives in this EA. Although some of the development may extend onto small portions of land being sold under the Proposed Action, the majority of the footprint would occur on the state-owned lands to be sold. Therefore, this sale from one state agency to another, and the proposed development, are considered part of the cumulative impacts analysis for this EA, as discussed in Section 5.7. Figure 3-1 is a graphic depicting the boundaries and ownership of the lands being sold to the Land Office.

## 1.2 SCOPING

The USACE issued a news release on October 27, 2004, announcing a public information workshop for the sale of land at Lake Texoma. Paid display advertisements were published on October 31 and November 4, 2004, in the *Herald Democrat* and the *Durant Democrat*. The USACE sent scoping and workshop announcements to state and federal resource agencies. The advertisement and the announcements (Appendix A) initiated the NEPA scoping process.

The USACE held a workshop on November 4, 2004 (5:00 P.M.–8:00 P.M.) at the Kingston Elementary School. According to the workshop sign-in sheet, 42 people attended the workshop including private citizens and residents from the local area, private concessionaires and developers, representatives from state agencies, and a representative from a newspaper. Most attendees came to learn more about the project in general, including what lands are being sold and to whom, and the nature of the development that is being proposed. Representatives from the USACE and the Land Office were available to answer these and other questions raised during the meeting. Three persons submitted written comments at the meeting, requesting a copy of a graphic depicting the boundary and ownership of the lands to be sold and potentially developed. Several others took comment forms in the event they wish to submit comments at a later date. The individuals who indicated they would like to be placed on the mailing list will be added to it for future NEPA public involvement activities associated with this project. Verbal comments noted by representatives from the USACE included:

- The benefits to the Kingston Public Schools that would result from the sale of the land and the subsequent development.
- Investment opportunities associated with the sale and development of the property could raise the value of land currently in private ownership around the lake.
- Concerns about the effect of the sale and development on property taxes.

Several comments have been submitted to the USACE since the meeting. One comment received was in support of the land sale and associated development. A second comment requested the establishment of a 50-foot utility easement between the real estate of the Rolling Hills residential subdivision and the

lands being sold and proposed for development. The author of this comment also suggested that all utility lines be buried and existing utility poles be removed, and expressed concern about the displacement of wildlife that would result from the development of this land.

Concessionaires operating a nearby resort and marina also submitted a letter to the USACE after the meeting. Several concerns about the land sale and subsequent development were expressed in this letter including: the loss of land for public recreation and access; the economic impact of new commercial, community, or private boat docks; and the potential for an increase in pollution sources (e.g., an increase in private boat use and facilities with the potential for more fuel spills, and an increase in surface water runoff to the lake that may carry contaminants associated with the development, such as fertilizer). The authors of this letter made specific recommendations to the USACE to help offset some of the impacts that could result from the sale of the land and its subsequent development.

Comments and responses have been compiled into a comment and response matrix included as Appendix D of this document.

## **2.0 ALTERNATIVES**

### **2.1 NO-ACTION ALTERNATIVE**

The Council on Environmental Quality (CEQ) regulations implementing the provisions of NEPA (40 CFR 1500–1508) require federal agencies to consider a No-Action Alternative. These regulations define the No-Action Alternative as the continuation of existing conditions and their effects on the environment without implementation of, or in lieu of, a proposed action. The No-Action Alternative represents the existing condition, would not result in any project-related environmental impacts, and serves as the baseline against which to compare the effects of the other alternatives.

Under existing conditions, all rights, title, and interest to and in the real property owned by the USACE within Lake Texoma State Park would remain in federal ownership. The USACE would continue to lease these lands to the state of Oklahoma for public park and recreation purposes. However, under the No-Action Alternative, the USACE would not transfer lands as required by the provisions of the Water Resources Development Act of 1999.

### **2.2 ACTION ALTERNATIVE**

For this EA, only one alternative has been identified. This alternative is the Proposed Action. Approximately 564 acres of land would be sold to the Land Office under the provisions of the Water Resources Development Act of 1999.

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### **3.0 PROPOSED ACTION**

The Water Resources Development Act of 1999 instructed the Secretary of the Army to convey approximately 1,580 acres in Marshall County, Oklahoma, and within the boundaries of the Lake Texoma project, to the Land Office. The land to be sold is federally owned and leased to the OTRD; however, the Land Office has requested only a portion of the lands (approximately 564 acres) be conveyed under the Proposed Action (figure 3-1).

Once sold, this land, in conjunction with approximately 186 acres being purchased by the OTRD Land Office, is proposed for development as a first-class resort. According to an appraisal and economic study report prepared for the Land Office in March 2004 (Commissioners of the Land Office 2004a), single-family residential homes, hospitality services (lodges), and recreation uses such as the golf courses are the most appropriate developments in this area, as they represent the highest best use and maximally profitable use of the land, as is. Figures 3-2 and 3-3 present the preliminary concept plan and preliminary master plan that the Land Office has developed.

Single-family residential development could occur as depicted in figures 3-2 and 3-3. A total of approximately 100, 0.5-acre lots, of which 21 would be golf home sites, would be located on land being sold by the USACE (Commissioners of the Land Office 2004b). This development would occur on approximately 79.2 acres north of U.S. Highway 70 (U.S. 70).

The Land Office is also considering building a new lodge facility on the land they acquire from the USACE, north of U.S. 70. It would be located in close proximity to the Chickasaw Pointe golf course, as depicted in figures 3-2 and 3-3, and would be developed on an 8.5-acre site. Associated with the lodge would be seven cabin sites with a total of about 24 units located on approximately 1.9 acres, a resort swimming beach, and day-use courtesy docks (figures 3-2 and 3-3). A retail / commercial development would be located just north of U.S. 70 (figures 3-2 and 3-3). This area would include restaurants, shops, and galleries, and would be located on approximately 6.1 acres. Day use courtesy docks would also be located in the vicinity of the retail / commercial area (Commissioners of the Land Office 2004a).

South of U.S. 70, a new campground / marina welcome center and resort office would be built on a 5.6-acre parcel (figures 3-2 and 3-3).

The preliminary concept plan provided as figure 3-2 notes the location of existing roads, as well as new roads that would be required to provide vehicle circulation to the proposed developments. Approximately 4.2 miles of road would be required to provide this circulation, and it is assumed that these roads would consist of two travel lanes approximately 10-feet wide each, with road shoulders between 1- and 2-feet wide. In addition, a pedestrian trail linking the campgrounds south of U.S. 70 to the ribbon of land to the extreme northwest would be constructed. Approximately 6 miles of trail would be constructed, and it is assumed that it would average approximately 5-feet wide. Other infrastructure such as electrical, communication, water supply, and sewer and stormwater systems, as well as natural gas and/or other heat sources, would be required to service the new developments.

The buildable areas identified in figure 3-2 have been sited to avoid disturbances to wetlands areas that would result in a loss of wetlands habitat (Kaufman, pers. comm.). This was done by restricting most development to elevations above the USACE retained flow easement at 645 feet above mean sea level (AMSL), and identifying level sites (slopes of less than 20%) in the project area. Those developments

that would occur below this elevation are low-impact and include the trail system, the resort beach, and the day-use courtesy docks (Commissioners of the Land Office 2004c).

Any USACE wetlands permit requirements would be followed while implementing the Proposed Action. All activities involving the handling and use of petroleum, oil, and lubricants (POLs) would be conducted in accordance with established spill prevention, control, and countermeasure, as well as hazardous material and waste management regulations. The construction contractor would be required to apply for and comply with all provisions of the General Permit (OKR10) for Storm Water Discharges from Construction Activities within the state of Oklahoma (General Permit), issued through the Oklahoma Department of Environmental Quality (ODEQ). In addition, the Oklahoma Land and Water Conservation Fund within the OTRD has identified that any sale of a portion of these lands and their subsequent use would represent a conversion from park and recreation purposes that is prohibited under Section 6F of the Land and Water Conservation Act. It would be the responsibility of the OTRD to therefore assure that the conversion is reconciled prior to the loss of the recreation estate (October 15, 2004 letter from Susan Henry, Appendix A).



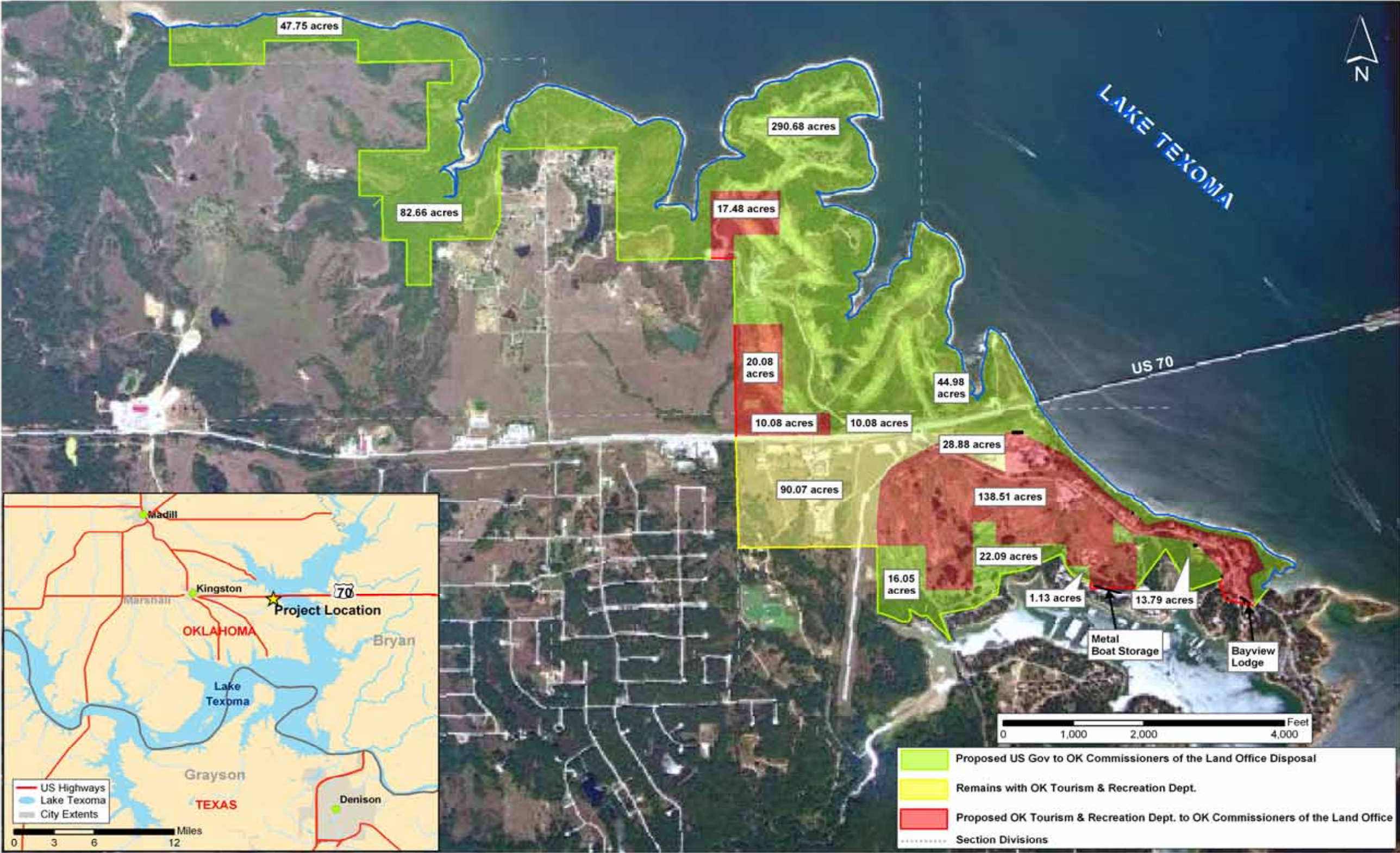


FIGURE 3-1. LANDS BEING SOLD TO THE COMMISSIONERS OF THE LAND OFFICE



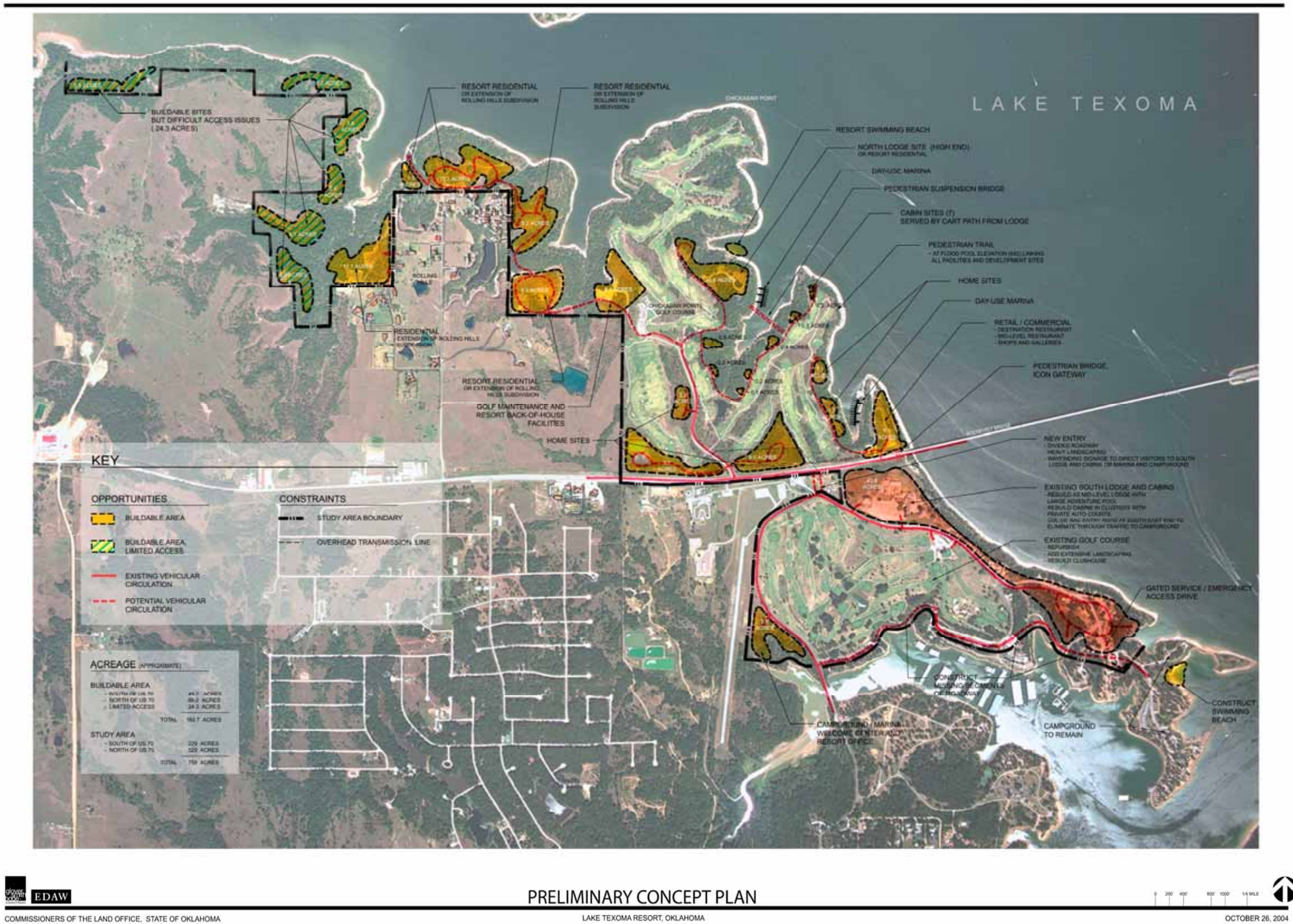


FIGURE 3-2. PRELIMINARY CONCEPT PLAN — DEVELOPMENT PROPOSED ON LANDS BEING SOLD TO THE COMMISSIONERS OF THE LAND OFFICE



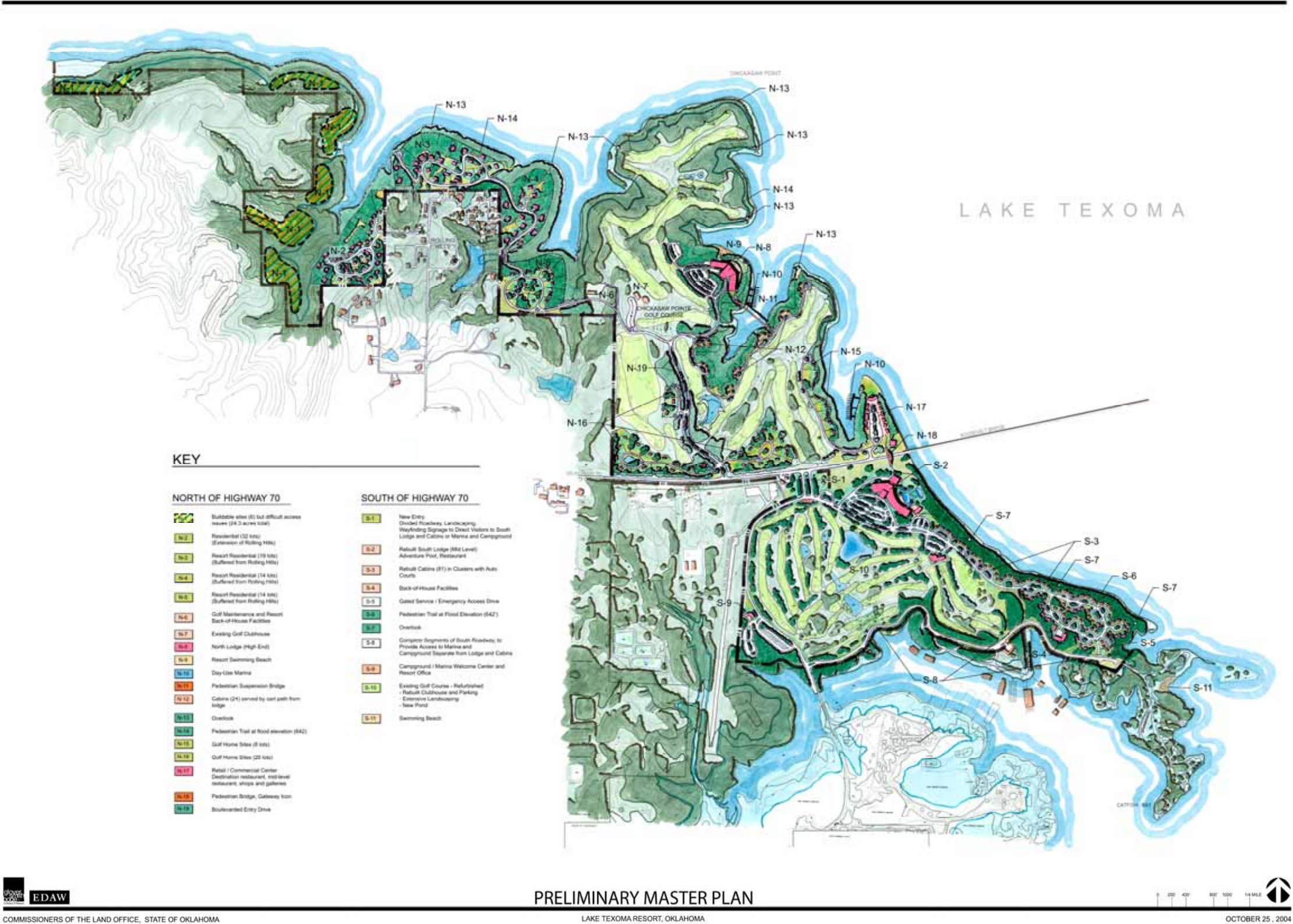


FIGURE 3-3. PRELIMINARY MASTER PLAN — DEVELOPMENT PROPOSED ON LANDS BEING SOLD TO THE COMMISSIONERS OF THE LAND OFFICE

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## **4.0 AFFECTED ENVIRONMENT**

### **4.1 LOCATION**

The lands proposed for sale at Lake Texoma are found entirely within Marshall County, Oklahoma, approximately 5 miles east of Kingston, Oklahoma. For the purposes of this EA, the project area includes the shoreline and terrestrial resources of Lake Texoma State Park, the lake itself, and, for socioeconomic considerations (see section 4.3.1), the Oklahoma counties that border the lake as well as the towns of Kingston and Durant, Oklahoma. Lake Texoma is located on the Red River between Texas and Oklahoma, approximately 15 miles west of Durant, Texas (see figure 1-1). Lake Texoma receives water from the drainage area of the Washita and Red Rivers (approximately 39,719-square miles) (USACE 2003a).

### **4.2 CLIMATE**

The climate in the project area is typified by long, hot summers and relatively short, mild winters. The average summer (June, July, and August) temperature for Marshall County is 80.9 degrees Fahrenheit (°F). The average winter (December, January, and February) temperature is 41.8°F. Average annual precipitation in Marshall County is about 42.4 inches, with an average of 28.4 inches usually falling during the period of April through October. As a result of squall-line thunderstorms, rains occur most frequently in the late spring with peak rainfall amounts in May. Average seasonal snowfall is 0 to 6 inches (OCS 2002). The prevailing winds (as recorded in Sherman, Texas, approximately 15 miles south of Denison Dam) are from the south-southeast (NCDC 1998).

### **4.3 SOCIOECONOMICS**

#### **4.3.1 Study Area**

The proposed development would be located entirely in Marshall County, Oklahoma, approximately 5 miles from the town of Kingston, Oklahoma. Lake Texoma lies 75 miles north of Dallas, Texas, and 121 miles south of Oklahoma City, Oklahoma. As indicated in the Complete Appraisal and Economic Study, these two cities supply the predominant number of visitors. It is estimated that Lake Texoma attracts between eight and ten million visitors each year. The lake and the surrounding area offers visitors many types of recreation, museums and historical sites, retail, and dining possibilities.

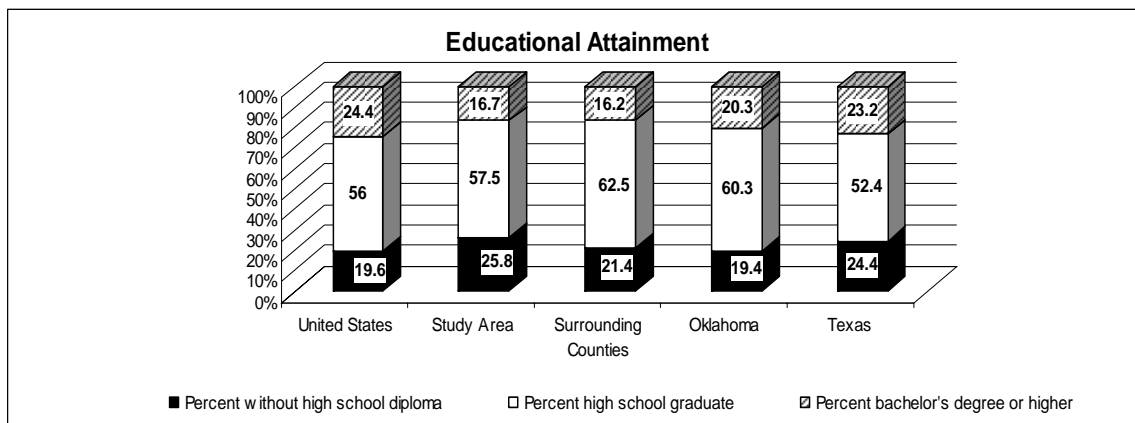
Counties that share a border with Lake Texoma are; Marshall, Bryan, Love and Johnston Counties located in Oklahoma; and Grayson and Cooke Counties in Texas. All of these counties are connected via U.S. highways, which provides access to the local employment markets. For the purposes of this study, Marshall County and the Census County Divisions (CCD) Colbert and Durant, within Bryan County, would be most affected by the proposed land transfer and subsequent development. The remaining CCDs of Bryan County are aggregated into the “surrounding counties” data discussed below; they are East Bryan, North Central Bryan, South Bryan, and Southeast Bryan. Additionally, Johnston and Love Counties, Oklahoma; and Cooke and Grayson Counties, Texas, are included in the “surrounding counties” data.

### 4.3.2 Population

From 2000 to 2003, the populations of Marshall and Bryan Counties increased by 3.5% and 2.1%, respectively. Over the same time period, the towns of Colbert and Durant in Bryan County experienced a lower population growth of only 0.02% and 0.07%, respectively. Johnston and Love Counties reported increases of only 0.1% and 0.8%. Similarly, for the same period Oklahoma increased by 1.8%. Both counties in Texas experienced a growth of more than 4.0% in that 3-year period, slightly behind the state's 6.1% growth.

From 1990 to 2000, the study area's average population growth was 17.3%. The average increase in population of the surrounding counties was 9.1%. The population increase rate for Texas (22.8%) is more than double Oklahoma's rate (9.7%).

Figure 4-1 presents the educational attainment of the residents ages 25 and over. The percentage of residents in the study area to have achieved a bachelor's degree or higher (16.7%) is lower than the United States (24.4%), Oklahoma (20.3%), and Texas (23.2%). The study has the largest percentage of its residents to have not received a high school diploma or equivalency compared to the other areas examined.



**FIGURE 4-1. EDUCATIONAL ATTAINMENT OF RESIDENTS IN THE U.S., ROI, SURROUNDING COUNTIES, OKLAHOMA AND TEXAS**

### 4.3.3 Employment and Income

Table 4-1 lists industry of employment for residents within the study area, in the surrounding counties, Oklahoma, and Texas in 2000. Education, health, and social services; manufacturing; and retail trade are the top three industries, which combined, employ 53% of residents in the study area. These three industries are also the largest employers in the surrounding counties and the states of Oklahoma and Texas. Two major employers in the study area are the Medical Center of Southeastern Oklahoma and Southeastern Oklahoma State University, both located in Durant. The hospital has been ranked by HCIA-SACHS, Inc. as one of the "100 Top Hospitals" in the nation, and the university is a top-ranking public regional university in Oklahoma, as reported by *U.S. News and World Report*, "Guide to America's Best Colleges" (Integra Realty Resources).

The unemployment rate in the study area was 3.6%, higher than the surrounding counties (2.9%), and statewide for Oklahoma (3.3%) and Texas (3.8%). Income and poverty level statistics are given in figure 4-2. The study area and surrounding counties have substantially lower per capita and median household incomes compared to the statewide and national averages.

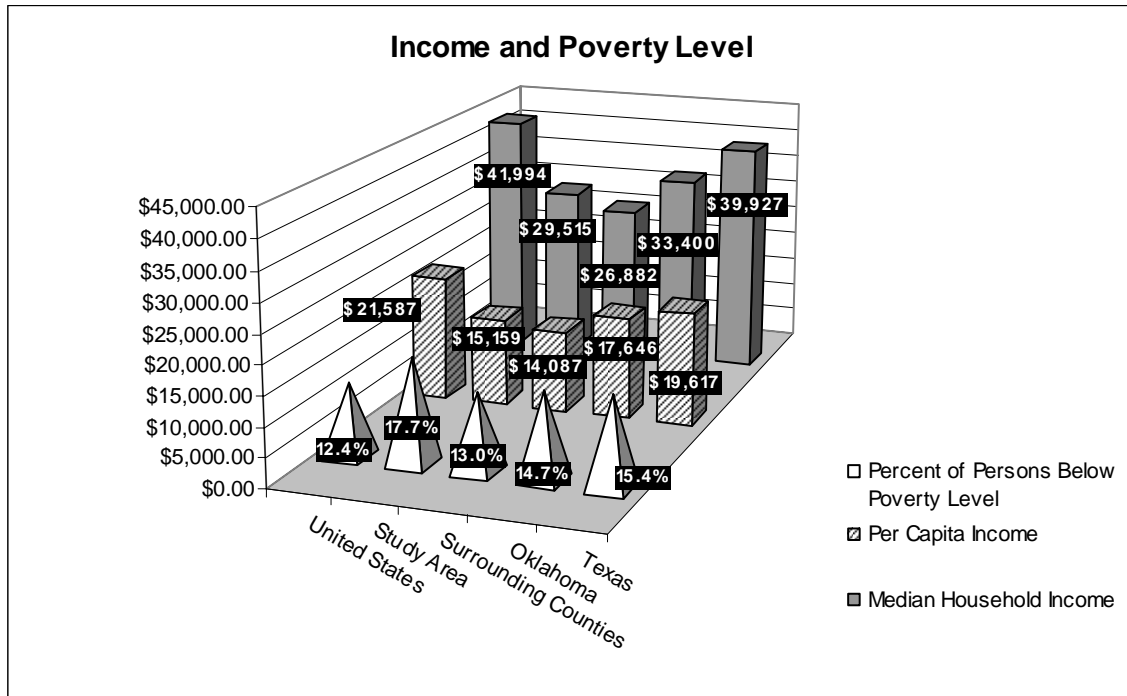
**TABLE 4-1. EMPLOYMENT OF RESIDENTS IN THE ROI**

Industry of Employment (Percent of Employed Persons)	U.S.	Study Area	Surrounding Counties	Oklahoma	Texas
Total Population (000)	281,421	42	174	3,451	20,852
Number of Employed (000)	129,722	18	78	1,545	9,234
Agriculture, forestry, fishing and hunting, and mining	1.9%	2.8%	3.5%	4.1%	2.7%
Construction	6.8%	6.3%	7.9%	6.9%	8.1%
Manufacturing	14.1%	16.8%	19.3%	12.5%	11.8%
Wholesale trade	3.6%	4.4%	3.2%	3.4%	3.9%
Retail trade	11.7%	13.8%	12.4%	12.0%	12.0%
Transportation and warehousing, and utilities	5.2%	4.1%	4.9%	5.6%	5.8%
Information	3.1%	2.1%	2.1%	2.7%	3.1%
Finance, insurance, real estate, and rental and leasing	6.9%	4.6%	6.5%	6.0%	6.8%
Professional, scientific, management, administrative, and waste management	9.3%	4.3%	5.2%	7.3%	9.5%
Educational, health and social services	19.9%	22.4%	20.5%	20.5%	19.3%
Arts, entertainment, recreation, accommodation, and food services	7.9%	8.2%	6%	7.5%	7.3%
Other services (except public administration)	4.9%	5.7%	4.8%	5.6%	5.2%
Public administration	4.8%	4.6%	3.8%	5.9%	4.5%

Source: Bureau of Census 2000

Note: Surrounding counties include: Cooke and Grayson Counties in Texas; and Love, Johnston, and the remaining sections of Bryan County, Oklahoma.

The unemployment rate for the study area as of 2000 was 3.6%, slightly higher than Oklahoma (3.3%). Unemployment for the surrounding counties is 2.9%, and is lower than Oklahoma (3.3%) and Texas (3.8%). Income and poverty level statistics are given in figure 4-2. The study area and surrounding counties have per capita and median household incomes that are substantially less than the averages for the United States.



**FIGURE 4-2. INCOME AND POVERTY LEVEL OF RESIDENTS IN THE UNITED STATES, ROI, SURROUNDING COUNTIES, OKLAHOMA, AND TEXAS**

#### 4.3.4 Environmental Justice

The Proposed Action would occur in an area that is currently a resort area. The populations covered in Executive Order 12898 include minority or low-income groups. To accomplish this, it is necessary to examine the composition of the residents in terms of race and poverty status (table 4-2). Each of the examined areas consists primarily of white residents. The study area has the highest percentage of American Indians and Alaska Natives, as well as the highest percent of persons living in poverty.

**TABLE 4-2. RACE AND POVERTY CHARACTERISTICS**

	United States	Study Area	Surrounding Counties	Oklahoma	Texas
Total Population	281,421,906	42,273	185,531	3,450,654	20,851,820
White	75.1	79.8	86.3	76.2	71
Black	12.3	1.7	4.6	7.6	11.5
American Indian & Alaska Native	0.9	10.5	3.0	7.9	0.6
Asian & Pacific Islander	3.8	0.4	0.5	1.4	2.8
Hispanic or Latino	12.5	4.4	6.4	5.2	30.2
Other	5.5	2.7	3.2	2.4	11.7
Two or more races	2.4	4.8	2.4	4.5	2.5
Percent of persons living in poverty	12.4	17.7	13.0	14.7	15.4

Source: U.S. Bureau of Census

Note: The percentages may add up to more than 100%.



## 4.4 NATURAL RESOURCES

### 4.4.1 Terrestrial

The topography surrounding Lake Texoma varies from gently sloping flats to rocky and precipitous cliffs to steep, wooded hillsides (figure 4-3). The terrain in the vicinity of the lake varies in elevation from about 850 feet AMSL in Marshall County, Oklahoma, to approximately 500 feet AMSL at the base of the dam (USACE 1989, 2003a). In the project area, elevations range from approximately 630 feet at the shoreline to 730 feet at the highest points. The formation of the lake has influenced vegetation and habitat, creating shoreline environments that did not exist prior to filling the reservoir, and eliminating floodplain and riparian habitat that was supported along the Red River in this area.



FIGURE 4-3. SHORELINE TOPOGRAPHY AND VEGETATION OF LAKE TEXOMA

The project area is located in the Prairie Parkland (Subtropical) Province of the Prairie Division (Bailey 1995). Lake Texoma is in a transitional zone between the Eastern oak forest and the tallgrass prairie. There are four basic vegetative types identified around the lake: marsh, bottomland forest, post oak-blackjack oak (*Quercus stellata*-*Q. marilandica*) forest, and tallgrass prairie (USACE 2003a). Marshes are areas generally inundated with water long enough to support emergent wetlands vegetation. Marshes and other wetlands in the vicinity of Lake Texoma support emergent vegetation such as wild millet (*Pennisetum americanum*), sedges (*Carex* spp.), saltgrass (*Distichlis* spp.), native millet (*Panicum miliaceum*), pondweed (*Potamogeton nodosus*), smartweed (*Polygonum* spp.), arrowleaf (*Sagittaria* spp.), cattail (*Typha* spp.), rushes (*Juncus* spp.), and bulrush (*Scirpus pendulus*), as well as trees and shrubs such as boxelder (*Acer negundo*), black willow (*Salix nigra* var. *lindheimeri*), and cottonwood (*Populus* spp.) (USACE 2003a; USFWS 2000a, 2000b).

Radiating out from the shoreline to higher, better-drained sites, the vegetation community progresses from subclimax to climax bottomland forests. The mesic shoreline environment is dominated by vegetation including black and sandbar willow (*Salix exigua*), buttonbush (*Cephalanthus occidentalis*), and the exotic tamarisk (*Tamarix* spp.). The subclimax bottomland forest extending outward from the edge of the lake supports cottonwoods, sycamore (*Platanus occidentalis*), and willows (USACE 1989).

The climax bottomlands around Lake Texoma are composed of a variety of large mature trees, including pecan (*Carya illinoensis*), black walnut (*Juglans nigra*), hackberry (*Celtis* spp.), green ash (*Fraxinus pennsylvanica*), American elm (*Ulmus americana*), red oak (*Q. rubra*), and black oak (*Q. velutina*). None of these species are dominant in the overstory and are distributed variably throughout this climax bottomland forest community (USACE 1989).

The post oak-blackjack oak forests are found in upland areas around the lake. Other tree species found in this plant community include shumard oak (*Q. shumardii*), chinquapin oak (*Q. muehlenbergii*), black hickory (*Carya texana*), American elm, and eastern red cedar (*Juniperus virginiana*) (USACE 1989, 1996b). Beyond these oak forests surrounding Lake Texoma is a tallgrass prairie plant community. The predominant native grasses supported in the tallgrass prairie community include big bluestem (*Andropogon gerardii*), Indian grass (*Sorghastrum* spp.), and switchgrass (*Panicum virgatum*). In many places, this prairie community is being invaded by grasses and forbs characteristic of overgrazed or disturbed sites (USACE 1989). In the project area, this native prairie has largely been replaced by vegetation associated with the golf courses.

#### 4.4.2 Soils and Prime Farmland

The land to be sold at Lake Texoma falls within one of three soil associations: the Durant-Collinsville, Ferris-Tarrant-Heiden, and the Frioton-Gracemont associations (USDA 1980). The Durant-Collinsville association is found on uplands, and consists of deep and shallow, very gently sloping to strongly sloping, moderately well drained and somewhat excessively drained soils with a loamy surface layer and a loamy and clayey subsoil. The Ferris-Tarrant-Heiden association is also found on uplands and consists of deep and shallow, very gently sloping to moderately steep, well drained soils that are clayey or cobbly and clayey throughout. The Frioton-Gracemont association is found on floodplains and consists of deep, nearly level, well-drained and somewhat poorly drained soils with a loamy surface layer over loamy sediments (USDA 1980).

Approximately seven soil types that occur within these soil associations are found in the project area: Durant clay loam eroded, Durant loam, Ferris-Tarrant complex, Heiden stony clay, Konsil fine sandy loam, Purves clay, and Tarrant cobbly clay. Soil that is prime or unique farmland is defined in the Farmland Protection Policy Act (7 *United States Code* [USC] 4201–4209). According to the U.S. Department of Agriculture, prime farmland soil is soil that is best suited for producing food, feed, forage, fiber, and oilseed crops. Of these soil types, only Durant loam is considered prime or unique farmland.

#### 4.4.3 Hydrology and Water Quality

Lake Texoma, formed by Denison Dam on the Red River, receives water from the drainage area (approximately 39,719-square miles) of the Red River and the Washita River, its main tributary upstream of the dam. The Red River arm of the lake is about 60 miles long and the Washita River arm is about 45 miles long. The gradient of the Red River is approximately 1.6-feet per mile for the entire



length of Lake Texoma, while the channel capacity is approximately 45,000-cubic feet per second (cfs) downstream of Denison Dam. From Denison Dam to Fulton, Arkansas, the river flows between high banks about 1,000 feet apart (USACE 1989, 1993a, and 2003a). Releases from the dam are adequate to provide minimum and surge flows that help support the aquatic habitat and wetlands downstream of Lake Texoma.

At normal pool, the lake encompasses more than 89,000 surface acres, which can increase to 143,000 acres at the top of the flood control pool, and more than 580 miles of shoreline. Water storage (for hydropower and flood control purposes) occurs between 590 and 640 feet AMSL. A seasonal pool plan has been implemented at Lake Texoma to enhance recreational opportunities. The plan includes the following (USACE 1993a):

- drawdown of lake levels to 615 feet AMSL in the late winter and early spring
- rise to 619 feet above AMSL during May and through the summer
- drawdown to 616.5 feet AMSL in the late summer and early fall
- rise to 618.5 feet AMSL in late fall and early winter

Table 4-3 provides the elevations and storage capacity for the pools at Lake Texoma.

**TABLE 4-3. WATER STORAGE DATA FOR LAKE TEXOMA AND DENISON DAM**

Feature	Elevation (feet)	Reservoir Area (acres)	Reservoir Capacity (acre-feet) <sup>1</sup>
Top of Dam	670	—	—
Top of Flood Control Pool	640	141,418	5,061,062
Flood Control Storage	617 to 640	—	2,544,830 <sup>2</sup>
Top of Power Pool	617	74,686	2,516,232
Conservation Storage	590 to 617	—	1,467,283
Bottom of Power Pool	590	—	1,048,949

Notes: <sup>1</sup>Includes dead storage in the Cumberland Pool.

<sup>2</sup>Includes 150,000 acre-feet of water supply storage.

The lake inflow carries a large amount of sediment that mostly comes from the Red River. During periods of high flow, bank caving and erosion occur at many locations upstream of Lake Texoma, increasing the sediment load in the lake, and decreasing water storage capacity (USACE 1993a). Recently, a sediment study was completed by the Texas Water Development Board, which compared the total volume of water storage available in Lake Texoma from the original design in 1942, with the results of studies conducted in 1969, 1985, and 2002 (TWDB 2003). Table 4-4 summarizes the results and illustrates the decrease in water storage capacity in the lake compared to the original design for each time a study was completed.

**TABLE 4-4. COMPARISON OF WATER STORAGE CAPACITY AT LAKE TEXOMA (1942–2002)**

	1942 <sup>1</sup>	1969	1985	2002
Total Volume (acre-feet)	3,132,293	2,688,411	2,580,389	2,516,232
Percentage of storage lost (when compared to original design)	—	14.2%	17.6%	19.7%

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Source: TWDB 2003

Note: <sup>1</sup>Original design

In 1972, amendments to the Clean Water Act (CWA), specifically the establishment of Section 303(d), require states to develop lists of water bodies that do not meet water quality standards and to submit updated lists to the U.S. Environmental Protection Agency (USEPA) every 2 years. USEPA is required to review impaired water body lists submitted by each state and approve or disapprove all or part of the list (ODEQ 2003).

For water bodies on the 303(d) list, considered Category 5 water bodies, the CWA requires that a pollutant load reduction plan or total maximum daily load (TMDL) be developed to correct each impairment. Category 5 indicates that a pollutant (or pollutants) has caused, is suspected of causing, or is projected to cause, an impairment or threat to water quality. TMDLs must document the nature of the water quality impairment, determine the maximum amount of a pollutant load that can be discharged and still meet standards, and identify allowable loads from the contributing sources. The elements of a TMDL include a problem statement, description of the desired future condition (numeric target), pollutant source analysis, load allocations, description of how allocations relate to meeting targets, and margin of safety (ODEQ 2003).

The ODEQ has identified several segments of the main stem of the Red and Washita Rivers, as well as the Upper Washita River arm of Lake Texoma, as Category 5 water bodies on their 2002 303(d) list submitted to and approved by the USEPA. Although a 2004 303(d) list has been developed, it was only submitted to the USEPA in October 2004, and has yet to be approved (ODEQ 2004).

In 2002, the impairments associated with 303(d) segments of the Red River (10 total) were related to the concentration of chlorides, pathogens, heavy metals, sulfates, total dissolved solids, and/or the turbidity of the segment. Impairments associated with 303(d) segments of the Washita River (11 total) were related to the concentration of chlorides, pathogens, total dissolved solids, and/or the turbidity of the segment. The Upper Washita River arm of the lake, the body of water found within the boundaries of the Tishomingo National Wildlife Refuge, has been listed due to impairments associated with dissolved oxygen levels (ODEQ 2002). The source of these impairments is generally unknown, although petroleum activities, municipal point source discharges, septic systems, and agriculture have been identified as potential sources (ODEQ 2002, 2004).

The state of Oklahoma has yet to develop TMDLs for waters of the Red River, Washita River, or Lake Texoma. In 2002, ODEQ had listed 2005 as its targeted date for development of TMDLs for all listed segments of the Red River, as well as the Upper Washita River arm of Lake Texoma. TMDL development is scheduled for 2004 (three segments), 2005 (four segments), and 2009 (four segments) for the Washita River segments on the 303(d) list (ODEQ 2002).

This schedule was carried forward in the 2004 list of 303(d) waters provided to the USEPA. However, ODEQ has added another segment of the Washita River and four segments of the Red River to the list in

its 2004 report. TMDL development in this additional Washita River segment is scheduled for 2011, while in the new Red River segments, development is scheduled for 2017, 2021 (in two cases), and 2022 (ODEQ 2004). Although these river segments have been identified, and TMDL development is scheduled, it is important to note that none of the 303(d) Category 5 waters listed by ODEQ occur within or immediately adjacent to the lands being sold by the USACE.

The portion of the lake where the lands to be sold are located, considered the Lower Washita Arm of Lake Texoma, is of sufficient quality to be rated a Category 2 water body. This indicates that some, but not all, water quality standards and associated uses are attained, and none are threatened. Attainment status of the remaining uses in a Category 2 water body is unknown because there is insufficient or no data or information (ODEQ 2004).

Floodplains provide many valuable services to the community in which they are located, some of which have obvious economic values, and others that have aesthetic values. Floodplains provide natural flood and erosion control by: (1) providing areas where flood waters are stored; (2) reducing flood velocities, providing more time for people to react to floods; (3) reducing peak flood levels in creek channels; and (4) reducing sedimentation of creek channels during flood events. Floodplains help maintain water quality by filtering nutrients and impurities from surface water runoff bound for a creek, processing organic wastes, and helping to moderate temperature fluctuations. Floodplains also assist in recharging groundwater through infiltration and recharge of aquifers, and by slowly releasing water to reduce infrequency and duration of low surface flows. In addition to helping maintain water quality, floodplains also provide valuable services for biological resources such as providing breeding and feeding habitat for many species, and helping to protect habitat for rare and endangered species (WDNR 1999).

The Federal Emergency Management Agency (FEMA mapped the 100-year floodplain in the project area in 1990, as depicted in figure 4-4. Vegetation communities found within these floodplain areas are generally characterized as bottomland forest, and are described in Section 4.4.1.

The National Wetlands Inventory of the U.S. Fish and Wildlife Service identified scattered, isolated wetlands in the project area for the sale of land at Lake Texoma (see figure 4-3), the majority of which were classified in the palustrine system (USFWS 1990a, 1990b, 2004). In a nontidal environment such as the project area, palustrine wetlands include those dominated by trees, shrubs, persistent emergent vegetation, and emergent mosses or lichens (Cowardin et al. 1979). Specifically, palustrine, permanently flooded, open water wetlands created by excavating a depression or constructing a dike / impoundment are found in the project area (USFWS 1990a, 1990b). These man-made wetlands are generally associated with the golf courses and other developed areas, and may support a fringe of wetlands vegetation.

There is one riverine wetland located in the northwest portion of the project area. In a nontidal environment, riverine wetlands include all wetlands contained within a channel, with the exception of palustrine wetlands that occur on upland islands in the channel (Cowardin et al. 1979). Specifically, one temporarily flooded riverine wetland associated with an intermittent stream occurs in the project area (USFWS 1990a, 1990b). These wetlands generally support emergent vegetation. Vegetation associated with wetlands is described in Section 4.4.1.

#### **4.4.4 Wild and Scenic Rivers**

There are no streams or rivers within the project area that are classified as wild and scenic pursuant to the Federal Wild and Scenic Rivers Act (PL 90-542).

#### 4.4.5 Fish and Wildlife

The aquatic, wetlands, and upland habitats at Lake Texoma support a diversity of fish and wildlife. The Oklahoma Department of Wildlife Conservation (ODWC) and the Texas Parks and Wildlife Department (TPWD) have the responsibility to manage, regulate, and control fish and wildlife resources for Lake Texoma. There is a cooperative agreement with the U.S. Fish and Wildlife Service to preserve and improve wildlife habitat for the 13,450 acres in Tishomingo National Wildlife Refuge, and 11,400 acres in Hagerman National Wildlife Refuge (USACE 2003a). The following four subsections provide a listing of fish and wildlife species that are known to occur at Lake Texoma.

##### 4.4.5.1 Fish

Management of fishery resources at Lake Texoma is the responsibility of the ODWC and TPWD. Lake Texoma provides habitat for at least 70 species of fish, several of which were introduced by the ODWC and TPWD (USACE 2003). These agencies maintain a supplemental stocking program to improve the fishery resource. Those species popular for recreational fishing include channel, blue, and flathead catfish (*Ictalurus punctatus*, *I. furcatus*, and *Pylodictis olivaris*); largemouth, spotted, white, and striped bass (*Micropterus salmoides*, *M. punctulatus*, *Morone chrysops*, and *M. saxatilis*); and white crappie (*Pomoxis annularis*). The striped bass fishery at Lake Texoma is extremely popular and is considered one of the most successful striped bass fisheries in the nation. In addition, downstream of the dam is a tailwater fishery that supports striped bass, as well as channel, blue, and flathead catfish. The spawning of striped bass in the Red and Washita Rivers is the key to the continued success of this sport fishery (USACE 1989).

Gizzard shad (*Dorosoma cepedianum*), threadfin shad (*D. petenense*), and Mississippi silverside (*Menidia audens*) are considered important forage species in the lake. Freshwater drum (*Aplodinotus grunniens*), carp (*Cyprinus carpio*), gar (*Lepisosteus* spp.), buffalo (*Ictiobus* spp.), and river carpsucker (*Carpionodes carpio*) make up the bulk of rough fishes in the lake (USACE 1989).

##### 4.4.5.2 Amphibians and Reptiles

Numerous amphibians and reptiles are known to occur at Lake Texoma. Species of amphibians that are supported include salamander (*Ambystoma* spp.), plains and eastern spadefoot toad (*Scaphiopus bombifrons* and *S. holbrooki*), gray tree frog (*Hyla versicolor*), chorus frog (*Pseudacris* spp.), bullfrog (*Rana catesbeiana*), and the southern leopard frog (*R. pipiens*). Reptile species at Lake Texoma include snapping turtle (*Chelydra serpentina*), box turtle (*Terrapene* spp.), eastern fence lizard (*Sceloporus undulates*), Texas horned lizard (*Phrynosoma cornutum*), water snake (*Natrix* spp.), Texas brown snake (*Storeria dekayi*), red-sided garter snake (*Thamnophis sirtalis*), eastern hognose snake (*Heterodon platyrhinos*), black rat snake (*Elaphe obsoleta*), copperhead (*Agkistrodon contortrix*), and western pigmy rattlesnake (*Sistrurus miliarius*) (USACE 2003a).

##### 4.4.5.3 Birds

The variety of habitats at Lake Texoma support numerous species of migratory waterfowl and wading birds, upland game birds, raptors, and songbirds. These include mallards (*Anas platyrhynchos*), Canada goose (*Branta canadensis*), blue-winged teal (*A. discors*), pintail (*A. acuta*), great blue heron (*Ardea herodias*), little blue heron (*Florida caerulea*), turkey (*Meleagris gallopavo*), northern bobwhite (*Colinus virginianus*), red-tailed hawk (*Buteo jamaicensis*), turkey vulture (*Cathartes aura*), crows





FIGURE 4-4. ONE HUNDRED YEAR FLOODPLAIN AND WETLANDS IN THE PROJECT AREA

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(*Corvus brachyrhynchos*), killdeer (*Charadrius vociferous*), yellow-billed cuckoo (*Coccyzus americanus*), red-bellied woodpecker (*Centurus carolinus*), purple martin (*Progne subis*), barn swallow (*Hirundo rustico*), Carolina chickadee (*Parus carolinensis*), tufted titmouse (*P. bicolor*), Eastern bluebird (*Sialia sialis*), Northern mockingbird (*Mimus polyglottos*), European starling (*Sturnus vulgaris*), lark sparrow (*Chondestes grammacus*), Northern cardinal (*Richmondia cardinalis*), painted bunting (*Passerina ciris*), dickcissel (*Spiza americana*), red-winged blackbird (*Agelaius phoeniceus*), Eastern meadowlark (*Sturnella magna*), brown-headed cowbird (*Molothrus ater*), scissor-tailed flycatcher (*Muscivora forfic*), and American robin (*Turdus migratorius*) (USACE 2003a).

#### 4.4.5.4 Mammals

A variety of small mammals, bats, carnivores / omnivores, and ungulates occur at Lake Texoma, including thirteen-lined ground squirrel (*Citellus tridecemlineatus*), opossum (*Didelphis marsupialis*), least shrew (*Cryptotis parva*), eastern harvest mouse (*Reithrodontomys humulis*), deer mouse (*Peromyscus maniculatus*), eastern cottontail (*Sylvilagus floridanus*), red bat (*Lasiurus borealis*), evening bat (*Nycticeius humeralis*), striped skunk (*Mephitis mephitis*), coyote (*Canis latrans*), red fox (*Vulpes fulva*), raccoon (*Procyon lotor*), and white-tailed deer (*Odocoileus virginianus*) (USACE 2003a).

#### 4.4.5.5 Threatened and Endangered Species

The U.S. Fish and Wildlife Service listed five species with the potential to occur in the vicinity of Lake Texoma (Appendix C). These include the interior least tern (*Sterna antillarum*), whooping crane (*Grus Americana*), and the American burying beetle (*Nicrophorus americanus*), all federally listed as endangered, as well as the bald eagle (*Haliaeetus leucocephalus*) and piping plover (*Charadrius melodus*), which are federally listed as threatened.

Downstream of Lake Texoma, interior least terns utilize sandbar habitats for nesting and resting and the adjacent shallow water habitat for feeding on minnows. Nesting sites have also been documented upstream of the lake, but colonies were considered scattered and more “potential” nesting sites than actual nesting sites were observed (USACE 2003b).

Whooping cranes, which are considered rare spring and fall migrants in this area, use emergent vegetation along the edges of marshes, prairie pothole wetlands, or lakes for resting sites; croplands for foraging; and riverine wetlands for roosting. While it is possible that whooping cranes use the available habitat at Lake Texoma and along the Red River below Denison Dam, historical records indicate that they primarily use the habitat along the river upstream of the lake (USACE 2003b).

The American burying beetle, federally listed as endangered, is known to occur in several counties along or near Lake Texoma; however, it has never been found in Marshall County (USACE 2003b). Little is known about the habitat requirements of this species, although in Oklahoma, it has been found in habitats ranging from deciduous and coniferous forests to open pasture. Surveys for the American burying beetle have been conducted on the Washita River Arm of Lake Texoma, but have not resulted in collection of this species. In addition, habitat loss and habitat fragmentation are cited as reasons for decline of the American burying beetle (USACE 2003b). Past development on the lands proposed for sale at Lake Texoma has contributed to both the loss and fragmentation of natural habitat for the American burying beetle in the project area.

Bald eagles are common winter residents along the shores of Lake Texoma and are also known to nest in this area. They use tall trees near water for foraging, roosting, and nesting, and are also known to nest in cliffs.

Lake Texoma is located in the migration corridor of the piping plover, and it is possible that this species uses mudflats associated with the Red River in the vicinity of Lake Texoma. However, there are no records of locations used frequently by this species for the project area (USACE 2003b).

According to the records of the Oklahoma Natural Heritage Inventory (see Appendix A), there have been no occurrences of any of these species in the project area encompassing the lands for sale at Lake Texoma.

## **4.5 CULTURAL RESOURCES**

Known cultural resources in the vicinity of the proposed land transfer were evaluated. Cultural resources can include archaeological sites, sacred sites, traditional cultural properties, rock art, rock piles or cairns, historic buildings, and other features of the historic built environment.

In accordance with Section 106 of the National Historic Preservation Act of 1966 (as amended), the appropriate American Indian tribes were contacted via written correspondence (October 18, 2004) to discuss potential presence of cultural resources (Appendix C). The USACE mailed letters to the Quapaw Tribe of Oklahoma, The Choctaw Nation of Oklahoma, the Chickasaw Nation of Oklahoma, the Caddo Tribe of Oklahoma, and the Wichita and Affiliated Tribes of Oklahoma. In addition, a cultural resource survey of the proposed land transfer area was completed

A survey specific to the area associated with the land transfer was conducted in January of 2005 by engineering-environmental Management, Inc. (e<sup>2</sup>M 2005). The survey covered approximately 265 acres. Prior to completing the site survey, a records search indicated that there had been several surveys completed in close proximity to the land transfer including a survey by Dr. Frank Winchell in 1997 in advance of construction of a golf course on Oklahoma State Park land; a survey by Briscoe Consulting Services in 2003 for proposed sewerline locations on lands leased by Oklahoma State Parks; and a survey by Mr. John Hartley for Chickasaw Enterprises (Winchell 1997, Briscoe 2003, Hartley 2004a, 2004b, 2004c). One previously recorded site was identified within the project area. During the 2005 survey, no artifact, features or other cultural remains were found at the previously recorded site. The previously recorded site, is therefore, recommended as not eligible for listing on the National Register of Historic Places (NRHP). Two new isolated finds were discovered during the site investigation. The first isolated find consisted of three bottles from the mid 1940s. The second isolated find is comprised of a single Ogallala quartzite flake. Both isolated finds offer limited research potential and have been thoroughly recorded in accordance with currently accepted field methods. They are, therefore, recommended as not eligible for listing on the NRHP under any criteria.

The potential for buried and/or previously unknown resources for this area is considered low. As a general rule, archaeological resources bordering the lake have suffered damage of varying degrees. Many of the sites recorded for Lake Texoma have been eroded or impacted by wave action in conjunction with the fluctuating lake level.

## **4.6 AIR QUALITY**

USEPA published a Conformity Rule on November 30, 1993, requiring all federal actions to conform to appropriate State Implementation Plans (SIPs) that were established to improve ambient air quality. National Ambient Air Quality Standards exist for six pollutants: carbon monoxide, ozone, respirable



particulate matter (including particulates equal to or less than 10 microns in diameter [PM<sub>10</sub>] and particulate matter equal to or less than 2.5 microns diameter [PM<sub>2.5</sub>]), sulfur dioxide, nitrogen oxides, and lead.

USEPA assigns designations based on an area meeting or "attaining" these standards. At this time, the Conformity Rule only applies to federal actions in nonattainment areas. A nonattainment area is an area that does not meet one or more of the National Ambient Air Quality Standards for the criteria pollutants designated in the Clean Air Act (CAA).

According to maps in the USEPA "Green Book" (for criteria pollutant nonattainment areas), all counties within Oklahoma have been designated as attainment areas for criteria pollutants and air toxins, including the 8-hour ozone standard (USEPA 2004).

A conformity analysis based on air emissions analysis is required for any proposed federal action within a nonattainment area. Since the geographical region potentially affected by the Lake Texoma land sale is in attainment and meets the National Ambient Air Quality Standards for the criteria pollutants designated in the CAA, a conformity determination is not required.

#### **4.7 HAZARDOUS, TOXIC, AND RADIOLOGICAL WASTES**

Potential pollution sources in the vicinity of Lake Texoma include sewage disposal / treatment systems (septic tanks and other subsurface disposal systems, municipal sewage treatment plants, surface disposal systems and sewage lagoons), private cabins and concession operations (including marinas), boats, sanitary landfills, open dumps, water treatment plants, animal production facilities, and oil production facilities (USACE 1996a, 2003a).

Of these potential sources, oil production facilities present the greatest threat to Lake Texoma. Several active oil fields are on or surrounding government property, while hundreds of transport pipelines cross government property and surface waters that feed Lake Texoma. To date, these sources have had no known effect on Lake Texoma (USACE 1996a, 2003a).

The USACE completed an environmental baseline survey of the records for the area of the land transfer (USACE 2005). The findings indicated that there are no records of storage, release or disposal of hazardous material on the property based on a comprehensive search of the USACE office files.

#### **4.8 NOISE**

Noise is defined as any sound that is undesirable because it interferes with communication, is intense enough to damage hearing, or is otherwise annoying. Human response to increased noise levels varies according to the source type, characteristics of the noise source, distance between source and receptor, receptor sensitivity, and time of day.

Noise sources at Lake Texoma are primarily affiliated with public use of the lake and associated project lands. Motor boats, motor vehicles, and people at marinas, campgrounds, and other recreational facilities surrounding the lake, including hunting grounds, are all sources of noise. Motor vehicle traffic on U.S. 70 is also a source of noise in the project area.

Vehicle traffic counts were analyzed from the Oklahoma Department of Transportation to establish current vehicle traffic versus estimated traffic counts if the Proposed Action were implemented and the associated developments were completed. Annual average daily traffic counts on U.S. 70 between Kingston and Durant to the east indicate that approximately 30,900 vehicles travel this stretch of road per day (Oklahoma Department of Transportation 2003). This stretch also encompasses the Roosevelt Memorial Bridge, which spans Lake Texoma on the way to Durant. Heading west from Kingston to Ardmore, annual average daily traffic counts on U.S. 70 indicate that approximately 87,600 vehicles travel this stretch per day (Oklahoma Department of Transportation 2003).

In addition, the Lake Texoma State Park airstrip is located within approximately 2 miles of all developments proposed by the Land Office. The airstrip is an uncontrolled runway with no tower and pilot-operated lighting. The aircraft arriving and departing from this airstrip are small, with the majority being Cessnas and Cherokees that seat two to four people. Larger, six- to eight-seat planes such as King Air aircraft use the airstrip very infrequently. On average, between one and two planes arrive and depart the airstrip on any given weekday, and five to ten planes arrive and depart on any given weekend day (Snyder 2005).

## **4.9 INFRASTRUCTURE**

### **4.9.1 Transportation**

U.S. 70, also known as the Choctaw-Chickasaw Trail of Tears Memorial Highway, is the major highway that provides access to the project area. Annual average daily traffic counts on U.S. 70 were discussed in Section 4.8 above. Traveling 30 miles to the west, U.S. 70 intersects Interstate 35 (I-35), and traveling 15 miles to the east, it intersects with U.S. 75, which leads south 20 miles to Denison, Texas. I-35 and U.S. 75 provide access to the project area from most of Oklahoma and north Texas, including the Tulsa, Oklahoma City, and Dallas-Fort Worth metropolitan areas (Commissioners of the Land Office 2004c).

The Lake Texoma State Park airstrip also provides access to the area for recreational aviators, but does not support commercial airlines. The airstrip is an uncontrolled runway with no tower and pilot-operated lighting. On average, approximately two planes land at the airstrip per weekday, and approximately five to ten land per weekend day (Snyder 2005).

### **4.9.2 Solid Waste Generation and Disposal**

Solid waste currently generated at the Texoma State Park is collected in dumpsters and hauled, by Southern Oklahoma Regional Disposal, to a landfill located at Ardmore, Oklahoma. The cost is approximately \$20 per ton and annual costs are approximately \$60,000, equating to disposal of approximately 3,000 tons annually. It is anticipated that additional solid waste generated as a result of additional development would also be hauled to the landfill at Ardmore. The landfill has adequate additional space for solid waste generated from any new development (Kaufman 2005a).

### **4.9.3 Water Supply**

It is anticipated that the proposed developments would be connected to the water supply system operated by the Marshall County Water Corporation (Commissioners of the Land Office 2004c).

Currently, water supplied by the Marshall County Water Corporation comes from one reservoir, which they own, and other privately owned reservoirs from which they purchase raw water, which is then treated in their water treatment facility. In January 2005, the water treatment facility processed and distributed approximately 1.2 million gallons per day, while during summer months this figure can double, reaching almost 2.5 million gallons per day (Porter 2005). Currently, the Marshall County Water Corporation supplies treated water to the project area through an 8-inch water supply line. The water is then collected, stored, and distributed from a 30,000 gallon aboveground water storage tank (Porter 2005).

#### **4.9.4 Wastewater Treatment**

It is anticipated that the proposed developments would be connected to the wastewater treatment plant operated by the city of Kingston, Oklahoma (Commissioners of the Land Office 2004c). Currently, the wastewater treatment plant is permitted to receive 500,000 gallons of wastewater per day, but only has a hydraulic capacity of 220,000 gallons per day. At the present time, between 75,000 and 100,000 gallons of wastewater are treated per day (Nail 2005).

#### **4.9.5 Electrical Supply**

Currently, the Red River Valley Rural Electric Association provides electricity in the project area (Kaufman 2005). The Red River Valley Rural Electric Association purchases power from the Western Farmers Electric Cooperative, which is a Touchstone Energy<sup>SM</sup> partner (Red River Valley Rural Electric Association 2004). Electricity is provided to the project area via a substation located approximately 3.5 miles southwest of the existing lodge at Lake Texoma State Park, and is distributed by 7,200 to 12,500 kilovolt-ampere overhead transmission lines (Warthen 2005).

#### **4.9.6 Natural Gas Supply**

Currently, CenterPoint Energy Southern Gas Operations provides natural gas supply in the project area (Kaufman 2005). CenterPoint Energy Southern Gas Operations distributes natural gas to approximately 1.28 million residential, commercial, and industrial customers in about 958 communities in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas. The company has approximately 33,600 miles of mail lines and 15,100 miles of service lines (CenterPoint 2004).

#### **4.9.7 Land Use**

The lands being sold by the USACE comprise a variety of land uses, from unimproved and undeveloped lands, to recreational land uses associated with various golf courses, to developed lands that include existing lodge / cabins, home sites, resorts, and a marina. Outside the boundary of the project area, land uses continue to be varied and include residential, recreational (marina and campgrounds), commercial / industrial (Lake Texoma State Park airstrip, gas station, food mart, and a fast-food establishment), and unimproved / undeveloped land uses.

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## 5.0 ENVIRONMENTAL IMPACTS OF THE PROPOSED ACTION

The EA analysis includes direct, indirect, and cumulative impacts. Direct effects are caused by the action and occur at the same time and place. Indirect effects are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Cumulative effects are impacts that result from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor, but collectively significant actions taking place over a period of time (40 CFR 1508.7). The cumulative impact analysis is provided in Section 5.7 of this EA. A summary of environmental impacts is presented in table 5-1a.

**TABLE 5-1A. IMPACT ASSESSMENT MATRIX**

Name of Parameter	Magnitude of Probable Impact						
	Increasing Beneficial Impact			No Appreciable Effect	Increasing Adverse Impact		
	Significant	Substantial	Minor		Minor	Substantial	Significant
SOCIAL EFFECTS							
Noise Levels					X		
Aesthetic Values				X			
Recreational Opportunities			X				
Transportation				X			
Public Health and Safety				X			
Community Cohesion (Sense of Unity)				X			
Community Growth and Development			X				
Business and Home Relocations			X				
Existing / Potential Land Use						X	
Controversy				X			
Property Values			X				
Tax Revenues			X				
Public Facilities and Services				X			
Regional Growth			X				
Employment			X				
Business Activity			X				
Farmland/Food Supply				X			
Flooding Effects				X			

**TABLE 5-1B. IMPACT ASSESSMENT MATRIX (CONTINUED)**

Name of Parameter	Magnitude of Probable Impact						
	Increasing Beneficial Impact			No Appreciable Effect	Increasing Adverse Impact		
	Significant	Substantial	Minor		Minor	Substantial	Significant
NATURAL RESOURCE EFFECTS							
Air Quality				X			
Terrestrial Habitat					X		
Wetlands				X			
Aquatic Habitat				X			
Habitat Diversity and Interspersion					X		
Biological Productivity					X		
Surface Water Quality					X		
Water Supply				X			
Groundwater				X			
Soils					X		
Threatened and Endangered Species				X			
CULTURAL RESOURCES							
Historic Architectural Values				X			
Prehistoric & Historic Archeological Values				X			

## 5.1 SOCIOECONOMICS

### 5.1.1 No-Action Alternative

Under the No-Action Alternative, there would be no changes to the existing socioeconomic conditions at Lake Texoma.

### 5.1.2 Proposed Action

There would be no direct impacts to socioeconomic conditions from the sale of 564 acres of land at Lake Texoma. As described below, there would be indirect effects to the socioeconomic conditions as a result of the subsequent planned development on and adjacent to the land being sold.

Criteria that define potential direct and indirect impacts on socioeconomic conditions include changes that would have some disproportionate or previously unanticipated effect on the local or regional economy (i.e., new or loss of business that affects employment), and subsequent changes to population, housing, infrastructure (schools, police, and fire services), social conditions, or employment. Also evaluated are environmental justice concerns to include disproportionate impacts on low-income or minority populations.

The significance of construction expenditure impacts is assessed in terms of direct effects on the local economy and related effects on other socioeconomic resources (e.g., housing). The magnitude of potential impacts can vary greatly, depending on the location of a proposed action. For example, implementation of an action that creates 350 new jobs might be unnoticed in a large urban area, but might have significant and far reaching impacts in a rural community. If potential socioeconomic changes were to result in substantial shifts in population trends or in adverse effects on regional spending and earning patterns, they would be considered significant.

A 2004 study prepared for the Land Office evaluated 10 different scenarios for the financial viability of the Proposed Action (Commissioners of the Land Office 2004). The following section evaluates the potential indirect impacts from the potential development following the sale of land as described in the Proposed Action, to include the construction of a mixed-use resort facility containing 157 single-family residential homes, a new lodge facility, seven new cabins, a resort swimming beach, day-use courtesy docks, retail, and commercial development. There would also be improvements and renovations to existing resort facilities. For the purpose of this analysis, it is assumed that the construction, improvements, and renovations would take place over 3 years.

**Population.** Construction activities associated with development on the proposed lands after the sale would result in a minor short-term increase in population within the study area or the surrounding counties. Construction workers would be drawn first from residents in the study area and the surrounding counties; however, the scope of the construction projects would likely require workers from outside the study area and surrounding counties. It is not uncommon for persons in the construction industry to travel long distances to a work site. It is expected that workers from nearby counties would travel to and from the work site daily. A small fraction would stay at local hotels, motels, and campgrounds, on a weekly basis. It is not anticipated that the construction activities would require a significant number of workers to temporarily relocate or have their families relocate closer to the work site. The number of relocated workers would not likely be high, and would not stay for the whole duration of construction activities. There are many rental units located in the Lake Texoma region if relocation was needed. For those workers that would need to stay on a daily or weekly basis, there are at least 22 campgrounds and 32 hotels and motels ([www.laketexoma.com](http://www.laketexoma.com)). The small number of workers relocating to the area would have a negligible impact on other residents due to the displacement of vacationers. The 2004 economic study projected that the number of residents of Marshall County would increase by 14.4% between 2004 and 2014 (Commissioners of the Land Office 2004).

The operation of resort facilities would likely have long-term minor or major impacts to the population on a seasonal basis. When the proposed development would be fully implemented, there would be a need for additional workers above the supply capacity of the local area. Given the current number of workers and unemployment rate within the study area, approximately 650 residents are unemployed and available for work. Although the estimated number of new resort workers has not been determined, currently unemployed residents would be available for various service and maintenance jobs. These new workers likely represent a minor portion of the study area's population, and would have a negligible impact on the area's housing market. It is assumed that the highest demand for employment at proposed resort and recreational areas would be in the spring and summer months. Similarly, most visitors and vacationers would arrive in this time period. The demand for workers would directly coincide with the season. Generally, areas surrounding resort and recreational locations are geared toward this influx and efflux of people.

The addition of 157 new residences on the resort, assuming a range of two to four residents per household, would be a 0.7% to 1.5% increase in population within the study area. New residences, in combination with increased lodging capabilities, might produce long-term, minor, indirect, adverse effects to traffic and air quality.



**Employment and Income.** Construction activities associated with development would result in short-term, minor, beneficial, indirect impacts to the employment and income of residents within the study area and surrounding areas. The need for construction workers may lower (attenuate) the overall unemployment rate of the study area and surrounding counties. However, the effect would not be significant because some skilled workers would commute to or temporarily relocate to the area. There may also be a minor, beneficial, short-term, indirect impact to employment by the creation of jobs to support the increased number of construction workers (i.e., restaurants and other service jobs). The increase in demand for positions in and associated with construction could have short-term, minor, direct and indirect, beneficial effects to the income of persons in this type of work. During construction, the income of those working in support jobs may also increase. It is possible that wages might not change; however, the number of hours worked might increase, which would raise individual's overall yearly income.

The construction would generate capital directly and indirectly. There would be expenditures on goods, supplies, materials, and workers would spend a portion of their wages to support their work (tools and other personal supplies). These expenses would also generate taxes; being beneficial to the state and county economies for the duration of construction.

Operation of resort facilities would have long-term, minor, beneficial impacts to employment and income within the study area. The homes and facilities added to the existing resort would require additional personnel for support and maintenance. During peak travel time in late spring and summer, the demand for these jobs would increase. The additional workers required would likely be hired from the existing pool, and there would likely not be a need for workers to be brought in from the outside area. Any workers from outside the evaluated areas would be few and considered to have negligible impacts on the local socioeconomic characteristics. Operations may also put an indirect demand on the local employment market when the "in-house" staff is incapable of certain tasks (i.e., plumbing, electrical, and other service and maintenance positions).

The addition of residences and improvements of the resort would make the Lake Texoma Resort a more desirable attraction to those seeking homes and vacationing. The increased capability of handling owners and vacationers would put a greater demand on the local infrastructure (e.g., restaurants, grocery stores, cinemas), and would result in an increase in money spent on goods as well as the indirect increase in employment.

**Environmental Justice.** Executive Order 12898 requires federal actions to address the possible impacts to minority and low-income populations. The study area is composed of a high portion of American Indian and Alaska Natives (10.5%). Nearly 18% of the study area is reported as being below the poverty level. The Proposed Action would take place within the boundaries of an area that is currently developed as a recreational resort area.

Impacts of construction-related activities following the sale would have a beneficial impact on low-income populations through increased employment opportunities. Low-income and minority persons should have the same opportunities as others in securing construction-related employment. There might be indirect, short-term, minor, direct and indirect, beneficial effects to the area because of the increase in spending on construction goods and materials, as well as wages spent by workers at local stores for supplies and food. The economy would also be strengthened by the tax revenue generated. Indirect, adverse impacts from increased traffic and associated air emissions, and emissions from construction activities, would have a negligible adverse impact on low-income or minority populations because emissions would be dispersed throughout the area. No low-income or minority populations were identified that might receive a disproportionate share of adverse impacts. There would be no

disproportionate direct or indirect adverse socioeconomic or environmental impacts to low-income and minority populations from the Proposed Action.

Similarly, resort operations following the sale would have no disproportionate direct or indirect impacts on low-income or minority populations. The increase in operations should give low-income or minority populations the same opportunities for employment as others. The proposed resort would generate a higher revenue than what is currently generated by the existing resort. The increased number of tourists might have a minor, beneficial, direct effect to those who rely on and are employed in these businesses. Those that work in restaurants, local marinas, and other retail stores could be beneficially affected by the increased demand for goods and services.

## **5.2 NATURAL RESOURCE IMPACTS**

### **5.2.1 No-Action Alternative**

Under the No-Action Alternative, conditions at Lake Texoma would remain status quo. There would be no impacts on terrestrial resources, soils, and prime farmland; hydrology; fish and wildlife; or threatened or endangered species.

### **5.2.2 Proposed Action**

#### **5.2.2.1 Terrestrial**

The Proposed Action is not expected to have a direct effect on terrestrial resources. However, indirect impacts to terrestrial resources would result from the development proposed on the lands being sold by the USACE (see Chapter 3.0). It is anticipated that this development and the associated infrastructure (e.g., landscaping and transmission lines for electrical, communications, water, wastewater, and natural gas / propane distribution systems) would occur on approximately 101 acres of land, as depicted in figure 3-2. An additional 13 acres would be disturbed for new roads, assuming that all new roads would disturb a corridor approximately 25-feet wide (travel lanes and shoulders) and new roads would total 4.2 miles. Assuming that the pedestrian trail would disturb a corridor approximately 5-feet wide, construction of 6 miles of trail would disturb another approximately 4 acres. Therefore, it is anticipated the indirect effects of the Proposed Action would disturb a total of approximately 118 acres.

As shown in figures 3-2 and 3-3, the majority of the proposed developments would occur away from the shoreline in upland areas. Therefore, the subclimax and climax bottomland forests in the project area are not expected to be disturbed. Native tallgrass prairie in this area has been largely replaced during past development, including the golf courses; however, it is possible that some native prairie vegetation is supported in the project area such as in the previously undeveloped areas to the northwest.

Figures 3-2 and 3-3 indicate that much of the development would occur in the upland woodlands of the project area, which are characterized by the post oak-blackjack oak forest community. Some of this area has been previously disturbed as a result of past development, as evidenced by some existing roads on the lands to be sold, as well as areas that have been altered surrounding the golf courses. However, the majority of the construction would occur on previously undeveloped land.

The potential also exists for exotic vegetation to be brought into the project area via construction equipment and workers. The use of ornamental landscape plants around the new developments could also contribute to the spread of exotic vegetation once construction is complete. Overall, disturbance to approximately 118 acres of land, including permanently removing vegetation and an increased potential for the introduction of exotic species, would have a long-term, minor to moderate, indirect, adverse effect on terrestrial resources.

#### **5.2.2.2 Soils and Prime Farmland**

The Proposed Action is not expected to have a direct effect on soils or prime farmland. However, indirect impacts would result from the disturbance of approximately 118 acres of land associated with the proposed developments. Some of this area has been previously disturbed as a result of past development, however, the majority of the construction would occur on previously undeveloped land.

Construction activities could result in soil compaction, loss, and erosion; however, best management practices required under the general permit coverage for this project would reduce disturbances caused during construction. For example, soil watering and soil stockpiling can minimize fugitive dust by reducing the total amount of soil exposed. Standard erosion control measures such as silt fencing, sediment traps, application of water sprays, and revegetation at disturbed areas could further reduce construction effects on soils. However, the construction of permanent facilities would disturb approximately 118 acres of soil.

Although soils classified as prime farmland do exist in the project area, according to consultation with U.S. Department of Agriculture – Natural Resources Conservation Service, there would be no effects to these soils as a result of implementing the Proposed Action (see Appendix A). Therefore, overall indirect impacts to soils are expected to be long term, minor, and adverse under this alternative.

#### **5.2.2.3 Hydrology and Water Quality**

The Proposed Action is not expected to have a direct effect on hydrology. However, indirect impacts could result from the development proposed on the lands being sold by the USACE (see Chapter 3.0). During construction, soil disturbance and erosion have the potential to cause sediment to be discharged to Lake Texoma, as well as wetlands habitat identified in the project area. Best management practices required under the general permit coverage for this project would reduce disturbances caused during construction and the potential for erosion and sedimentation. For example, soil watering and soil stockpiling can minimize fugitive dust by reducing the total amount of soil exposed. Standard erosion control measures such as silt fencing, sediment traps, application of water sprays, and revegetation of disturbed areas would further reduce erosion and sedimentation. There is a potential for fuel or oil spills / leaks from heavy equipment during construction activities. Given the location of the development activities, it is unlikely such a spill or leak could be directly discharged to Lake Texoma and the wetlands habitat in the project area. However, all activities involving the handling and use of POLs would be conducted in accordance with established spill prevention, control, and countermeasure, as well as hazardous material and waste management regulations.

Once construction is complete, there would be an increase in impervious surfaces (e.g., roads, parking areas, buildings) in the project area. This would cause an increase in surface water runoff that is discharged to the wetlands and aquatic habitat of the project area. Although this is not anticipated to have an appreciable affect on the quantity of water in Lake Texoma or the Red River (and therefore no affect on flooding or backwater effects), it could locally affect water quality. The proposed development has the potential to increase sources of contaminants that may be discharged to wetlands and the lake

via surface water runoff. Contaminants associated with these new developments could include fertilizers, pesticides, and fuel / oil from leaking motor vehicles.

In addition to the potential for increased contaminant loads in surface water runoff, the development of two private day-use docks also has the potential to affect water quality in the aquatic habitat immediately adjacent to the project area. Potential sources of contamination at these docks include fuel leaks and unauthorized discharges from sanitary facilities on boats. However, given the overall size of Lake Texoma, increased contaminant loads would be diluted throughout the lake, although they could cause some degradation of water quality in the aquatic habitat immediately adjacent to the project area. As a result, the Proposed Action could have local, short- and long-term, negligible, indirect, adverse effects on water quality. Overall, impacts to water quality under the Proposed Action would not affect the designation of 303(d) waters or the development of TMDLs in Lake Texoma or the Red River.

Executive Order 11988 (*Floodplain Management*) requires all federal agencies proposing to dispose of lands within a floodplain to a non-federal public or private party to “1) identify those uses that are restricted under identified Federal, State, or local floodplain regulations; 2) attach other appropriate restrictions to the uses of the properties by the grantee or purchaser, and any successors, except where prohibited by law; or 3) withhold such properties from conveyance.” Although the buildable areas in figure 3-2 were delineated to avoid impacts to floodplains, some of the proposed development and associated facilities appear that they would be built in the 100-year floodplain identified in figure 4-4. The FEMA floodplain map for this area does not have a 100-year elevation, later detailed studies for the adjacent counties (Bryan County, Oklahoma, and Grayson County, Texas) indicate the 100-year floodplain elevation is 647.0 feet, National Geodetic Vertical Datum 1928. Prior to any redevelopment, there must be proper floodplain development permits obtained from the appropriate community. Structures should be protected from the floodplain and must not create a significant increase in flood elevations on other properties. If any federal funds are involved in redevelopment, it must not be done within the floodplain and should otherwise comply with local regulations. These include portions of the buildable areas with limited access; small portions of the resort residential buildable areas; small portions of the north lodge site and associated cabin sites; a small portion of the campground / marina welcome center and resort office, the resort swimming beach, the day-use courtesy docks, the pedestrian bridge, the pedestrian trail, and some roads. Construction of these facilities would not compromise the values and functions of the 100-year floodplain in this area, nor would it significantly alter the flood hazard potential of the area.

Given that portions of these proposed developments fall within the 100-year floodplain, it can be assumed that some of the site infrastructure (e.g., electrical, communication, water supply, and sewerlines) would also cross these floodplains. Therefore, by Executive Order 11988, the USACE would be required to identify those uses restricted by federal, state, or local floodplain regulations to reduce the risk of flood loss, minimize the impact of floods on human safety, health, and welfare, and to restore and preserve the natural and beneficial values served by floodplains. In addition, the USACE could impose further restrictions, except where prohibited by law, to protect floodplains, and flood insurance would likely be required for any developments sited in the 100-year floodplain. Considering these measures, construction would have long-term, minor, indirect, adverse effects on floodplains in the project area.

The executive order also requires federal agencies to consider alternatives to “avoid adverse effects and incompatible development in the floodplains.” As this land conveyance is mandated by the Water Resources Development Act of 1999, there is no practicable alternative to the Proposed Action that would ensure compliance with this public law.

With the exception of one naturally occurring riverine wetland, the other wetlands in the project area are man-made wetlands generally associated with the golf courses and other developed areas. As noted previously, the buildable areas identified in figure 3-2 have been delineated to avoid disturbances to wetlands areas that would result in a loss of wetlands habitat. Therefore, water-quality related impacts to wetlands, as described previously, would be the only anticipated effects. However, should impacts with the potential to result in a loss of wetlands habitat be identified, any USACE wetlands permit requirements, including avoidance, minimization, and mitigation measures, would be implemented. Obtaining such a permit and complying with its provisions would be the responsibility of the developer ultimately selected by the Land Office. Therefore, it is anticipated that the Proposed Action would have long-term, negligible, indirect adverse effects on wetlands.

#### 5.2.2.4 Fish and Wildlife

The Proposed Action is not expected to have a direct effect on fish and wildlife. However, indirect impacts would result from the development proposed on the lands being sold by the USACE (see Chapter 3.0). As noted previously (see “Hydrology and Water Quality”), adverse impacts on water quality could locally affect lake waters in the vicinity of the project area, although these impacts would be negligible. This could, in turn, have an effect on fish supported in the aquatic habitat immediately adjacent to the project area. The presence of the new developments and the access provided by the two new day-use courtesy docks would likely attract additional boat traffic to this area, which could have a local, adverse effect on fish (as a result of increased noise and mortality from boat-fish collisions). However, overall populations of sport and rough fish in Lake Texoma are not expected to be affected.

During construction, the presence of people and heavy equipment, in addition to the associated noise, has the potential to disperse wildlife from the project area, especially in previously undisturbed areas. Once construction is complete, it is anticipated that the occupation, operation, and maintenance of the residential areas, the new resort and associated features, the retail / commercial area, and the new campground welcome / marina welcome center and resort office would also cause the dispersal of wildlife. Dispersed species might relocate to areas where competition with other species for resources such as food and cover is higher. However, it is assumed that wildlife are accustomed to some noise as a result of people driving through and to the project area; noise associated with use, operation, and maintenance of the golf courses, the existing lodge and cabins, Catfish Bay Marina, and the campgrounds; boat traffic surrounding the project area, especially in Catfish Bay (south of the project area) and Little Glasses Cove (north-northwest of the project area); and use, operation, and maintenance of the airstrip. Also, wildlife could be inadvertently trampled by construction equipment or workers, and after construction, increased vehicle traffic along existing roads in the project area, including U.S. 70, as well as on new roads in previously undeveloped areas, could increase vehicle-wildlife collisions.

Once construction is complete, approximately 118 acres of potential wildlife habitat would be lost. Although some of this has been previously disturbed, the majority of the habitat occurs in areas that are currently undeveloped. The proposed developments and associated roads would also serve to fragment wildlife habitat in the project area. However, as the golf course and existing state park facilities, as well as the surrounding residential developments, have been there for some time, the impact on habitat fragmentation is anticipated to be minimal.

Given all of these considerations, indirect impacts to fish and wildlife would be short and long term, minor, and adverse.

#### **5.2.2.5 Threatened and Endangered Species**

Historical records indicate that none of the federally listed species with the potential to occur in the project area for the Proposed Action, which include the interior least tern, whooping crane, American burying beetle, bald eagle, and piping plover, have been documented in this area (see Appendix C). As a result, the Proposed Action is not expected to have a direct effect on threatened and endangered species. However, indirect impacts could result from the development proposed on the lands being sold by the USACE (see Chapter 3.0).

Although the bird species noted by the USFWS have not been documented and there are no known nesting sites in the project area, they could pass through while foraging, traveling to nesting sites, or migrating. Therefore, it is expected that construction noise associated with the development of the lands being sold by the USACE, as well as noise from the occupation, operation, and maintenance of these developments, could affect these species. However, it is assumed that these birds are accustomed to some noise associated with people using the golf courses, motor boats, traffic on U.S. 70, the nearby airstrip, and the existing lodge / cabins, and that they would avoid the project area during construction, seeking foraging or nesting habitat elsewhere. Therefore, the Proposed Action is not expected to have any effect on the interior least tern, whooping crane, bald eagle, or piping plover.

Habitat loss and habitat fragmentation are cited as reasons for decline of the American burying beetle (USACE 2003b). Although it has never been found in Marshall County, the American burying beetle is known to occur in several counties along or near Lake Texoma (USACE 2003b). As a result, the project area for the Proposed Action is considered potential habitat for this species, and indirect impacts would occur from the disturbance of approximately 118 acres of land associated with the proposed developments. Although some of this area has been previously disturbed as a result of past development, the majority of the construction would occur on previously undeveloped land. Therefore, the developments associated with the Proposed Action could have an adverse effect on the American burying beetle; however, this effect is not anticipated to be significant. The developer would be responsible for determining the presence of the American burying beetle.

### **5.3 CULTURAL RESOURCES**

#### **5.3.1 No-Action Alternative**

Under the No-Action Alternative, there would be no impact on cultural resources.

#### **5.3.2 Proposed Action**

There would be no known direct impacts to cultural resources as a result of the Proposed Action. Cultural resource surveys have been conducted of the entire proposed sale area, and no archaeological sites have been identified. Consultation with potentially affected American Indian tribes has not revealed any concerns about the proposed property disposal (see Appendix C). The USACE has determined that the proposed disposal of the 564 acres to the state of Oklahoma will have no effect on historic properties, and has coordinated this determination of effect with the Oklahoma State Archaeologist and Oklahoma SHPO by letter dated March 29, 2005 (Appendix C).



## **5.4 AIR QUALITY**

### **5.4.1 No-Action Alternative**

Under the No-Action Alternative, conditions at Lake Texoma would remain status quo. There would be no impact on air quality.

### **5.4.2 Proposed Action**

There would be no direct effects to air quality as a result of the Proposed Action (the sale of 564 acres of land). However, indirect impacts would result from the development proposed on the lands being sold by the USACE (see Chapter 3.0). Fugitive emissions (dust) would likely increase during construction of the new developments associated with the Proposed Action; however, prevailing winds would quickly dissipate the particulate matter and impacts would only be temporary (for the duration of the construction activities). In addition, the use of construction equipment would result in a temporary increase in vehicle emissions in the project area. Although the Proposed Action may have temporary, indirect, adverse effects on air quality from the use of construction equipment and the generation of fugitive dust, it is not anticipated to cause exceedances of any National Ambient Air Quality Standards, nor would it have an impact on the attainment status of the region. Therefore, construction-related impacts to air quality would be insignificant.

Operation and maintenance of the new developments is not anticipated to have any effect on air quality, although the presence of more mobile sources in the project area (e.g., more automobiles and boats) could locally affect air quality. The number of new mobile sources would fluctuate throughout the year, with the heaviest concentration occurring during the times when seasonal residents and recreationists visit the project area. Although the Proposed Action may have indirect adverse effects on air quality from the increase in emissions from automobiles and boats in the project area once construction is complete, it is not anticipated to cause exceedances of any National Ambient Air Quality Standards, nor would it have an impact on the attainment status of the region. Therefore, impacts to air quality would be insignificant.

## **5.5 HAZARDOUS, TOXIC, AND RADIOLOGICAL WASTES**

### **5.5.1 No-Action Alternative**

Under the No-Action Alternative, conditions at Lake Texoma would remain status quo. There would be no impacts on hazardous, toxic, and radiological wastes.

### **5.5.2 Proposed Action**

There would be no direct effects to hazardous, toxic, and radiological wastes as a result of the Proposed Action. However, indirect impacts could result from the development proposed on the lands being sold by the USACE (see Chapter 3.0). Construction activities would require the storage, use, and disposal of POLs, which if spilled could affect the environment. However, all activities involving the handling and use of POLs would be conducted in accordance with established spill prevention, control, and

countermeasure, as well as hazardous material and waste management regulations. Adherence to applicable federal, state, and local regulations regarding the handling, storage, transportation, and disposal of such materials, would reduce potential construction-related impacts on hazardous and toxic materials and wastes to a level of insignificance.

## 5.6 NOISE

### 5.6.1 No-Action Alternative

Under the No-Action Alternative, conditions at Lake Texoma would remain status quo. There would be no impacts on the noise environment.

### 5.6.2 Proposed Action

Implementation of the Proposed Action would have no direct effects on the noise environment. Developments associated with the Proposed Action that would likely have indirect effects on the noise environment would result from one of three sources: construction-related effects, aircraft-related effects, and transportation-related effects.

**Construction Program.** Should the Proposed Action be approved and subsequent construction activities take place within the proposed project area, a change in the noise environment could occur. Building construction, modification, and demolition work can cause considerable noise emissions. A variety of sounds come from cranes, cement mixers, welding, hammering, boring, and other work processes. Construction equipment and building operations are often poorly silenced, but quickly become a part of the ambient noise levels heard every day. Table 5-2 lists noise levels associated with certain types of construction equipment that may be used to build various buildings and other structures should the proposed action be approved.

TABLE 5-2. NOISE LEVELS FOR CONSTRUCTION EQUIPMENT

Equipment	Average (dBA)	Range (dBA)
Dozers, Dumpers	96	89-103
Front end loaders	88	85-91
Excavators	87	86-90
Backhoes	86	79-89
Scrapers	96	84-102
Compressors	79	62-92
Pavers	101	100-102
Rollers (compactors)	90	79-93
Graders, trucks, concrete pumps and mixers, generators	< 85	

Source: Eaton 2000

Existing developments would experience muffled construction noise during the work day, resulting in minor, temporary, indirect effects on the noise environment near the project sites. However, noise

generation would last only for the duration of construction activities, and could be reduced through the use of equipment exhaust mufflers and restriction of construction and demolition activities to normal working hours (between 7:00 A.M. and 5:00 P.M.).

In addition to the current flight operations, it is anticipated that an increase in aircraft traffic could occur under the Proposed Action. This increase in aircraft operations at Lake Texoma State Park airstrip would be gradual based on the timeline for the developments associated with the Proposed Action such as building new homes and resorts. Although the number of aircraft events would increase, the types of aircraft emitting aircraft noise into the surrounding community are not anticipated to change. Therefore, the noise levels (as described in Section 4.8) received by the local community from single events would not change. Therefore, with well designed land-use planning for areas in the vicinity of airports, no adverse impacts to noise would occur by implementing the Proposed Action.

**Transportation Operations.** Under the proposed action, the transfer of land would not increase vehicle traffic or noise along U.S. 70. However, the indirect effects of construction of resorts and homes within the proposed project area would increase the number of people traveling to the project area and associated traffic levels on U.S. 70 slightly; but a slight increase would not have a noticeable change in the associated traffic noise levels.

## **5.7 INFRASTRUCTURE**

### **5.7.1 No-Action Alternative**

Under the No-Action Alternative, there would be no change in baseline conditions; the proposed land sale would not occur, nor would the subsequent development. Therefore, there would be no impact on infrastructure as a result of the No-Action Alternative.

### **5.7.2 Proposed Action**

#### **5.7.2.1 Transportation**

The Proposed Action is not expected to have any direct effects on transportation. However, it is assumed that the developments associated with the Proposed Action would attract both full-time and seasonal residents, as well as recreationists, to the project area, which would have indirect effects on transportation. Permanent residents would likely travel U.S. 70 to either Kingston, Durant, Madill, or Ardmore for employment, shopping, schooling, etc. Seasonal residents and recreationists would likely travel less, restricting their activities to the amenities available in the project area. They would probably also travel to places such as Kingston, Durant, Madill, or Ardmore, but less frequently than full-time residents, and only during a few months per year. The new lodge and retail / commercial center would require deliveries likely to be transported via commercial vehicles, and it is assumed that a portion of the employees needed to staff the new lodge and retail / commercial center would travel from the towns and counties surrounding the project area. Although these conditions would result in an increase in vehicle traffic along U.S. 70, approximately 118,500 vehicles travel this highway per day between Durant to the east and Ardmore to the west of the project area. Therefore, the Proposed Action would indirectly contribute to a negligible increase in traffic in the project area, having insignificant adverse effects on existing ground transportation.

This increase in full-time and seasonal populations would likely be accompanied by an increase in recreational aviators seeking to use the Lake Texoma State Park airstrip. According to the airstrip manager, a master planning process would likely be undertaken to consider upgrades to accommodate additional, as well as larger, aircraft (Snyder 2005). Therefore, the Proposed Action is not anticipated to have direct or indirect effects on air transportation.

#### **5.7.2.2 Solid Waste Generation**

There would be no direct effects to solid waste generation and disposal as a result of the Proposed Action. However, it is anticipated that as development occurs solid waste generation would be increased, having indirect effects on solid waste disposal.

Currently, the landfill at Ardmore has the capacity to handle additional solid waste generation. Solid waste is collected in dumpsters located in developed areas and hauled to the landfill. As development occurs, solid waste generation would increase. The developer selected for construction of future development of the site would need to outline a plan for solid waste collection and disposal during construction. Upon completion of construction, it is expected that a local hauler would be contracted to provide dumpsters and haul wastes from the new developed areas in the same manner as is currently occurring. According to the land office, the Ardmore landfill has adequate capacity for additional waste disposal (Kaufman 2005a). Therefore, the Proposed Action is anticipated to have minor, indirect effects on solid waste generation and disposal.

#### **5.7.2.3 Water Supply**

There would be no direct effects to water supply as a result of the Proposed Action. However, it is anticipated that the proposed developments would be connected to the water supply system operated by the Marshall County Water Corporation (Commissioners of the Land Office 2004c), which could have indirect effects on water supply.

Currently, the necessary infrastructure does not exist in the project area to ensure adequate water supply to the proposed developments. According to the Marshall County Water Corporation, the existing 8-inch water supply line would have to be extended to a new 250,000-gallon underground water storage tank. It would be the responsibility of the developer ultimately selected by the Land Office, or the Land Office themselves, to operate the controls for filling the tank, as well as maintaining the tank; operating / maintaining a new booster pump required to distribute water from the tank; operating / maintaining a new emergency generator; and operating / maintaining the new distribution lines from the tank to the proposed developments (Porter 2005). It is assumed that the landowner would secure funding to perform the upgrades necessary to meet the increased water supply demand associated with the Proposed Action. Therefore, the Proposed Action is anticipated to have insignificant, indirect effects on water supply.

#### **5.7.2.4 Wastewater Treatment**

There would be no direct effects to wastewater treatment as a result of the Proposed Action. However, it is anticipated that the developments associated with the Proposed Action would be connected to the wastewater treatment plant operated by the city of Kingston, Oklahoma (Commissioners of the Land Office 2004c), which could have indirect effects.

Currently, the wastewater treatment plant does not have the capacity to handle the additional wastewater from the developments associated with the Proposed Action (Nail 2005). As a result, the Proposed

Action would have indirect adverse effects on wastewater treatment. It is assumed that the developer ultimately selected by the Land Office, or the Land Office themselves, would secure funding to perform the upgrades necessary to meet the increased wastewater load associated with the Proposed Action. Such upgrades could include adding to the aeration and clarification capability of the treatment plant, constructing additional drying beds, and installing a new lift station or set of lift stations (Nail 2005). Therefore, the Proposed Action is anticipated to have insignificant, indirect effects on wastewater treatment.

#### **5.7.2.5 Electrical Supply**

There would be no direct effects to electrical supply as a result of the Proposed Action. However, it is assumed that the developments associated with the Proposed Action would be connected to the existing electrical supply system maintained and operated by the Red River Valley Rural Electrical Association (Kaufman 2005), which could have indirect effects.

However, the existing substation located 3.5 miles southwest of the existing lodge could be upgraded with another circuit and more capacity if necessary to accommodate the proposed developments, eliminating the need for a new substation. The existing transmission lines in the project area would need to be extended to the new developments, but no other upgrades would be required for the Red River Valley Rural Electric Association to meet the increased demand (Warthen 2005). Therefore, the Proposed Action is not anticipated to have any effects on electrical supply.

#### **5.7.2.6 Natural Gas Supply**

There would be no direct effects to natural gas supply as a result of the Proposed Action. However, it is assumed that the developments associated with the Proposed Action would be connected to the existing natural gas supply system maintained and operated by CenterPoint Energy Southern Gas Operations (Kaufman 2005), which could have indirect effects. However, given the ability of CenterPoint Energy Southern Gas Operations to currently supply 1.28 million residential, commercial, and industrial users, supplying approximately 100 additional residences, a new lodge, and 24 associated cabins, the new resort / welcome center, and the new retail commercial center would have an insignificant effect on the source of natural gas used by the company. The only upgrades likely necessary in the project area would be extending the existing natural gas supply lines to the new developments. Therefore, the Proposed Action is not anticipated to have any effects on natural gas supply.

### **5.8 LAND USE**

The Proposed Action would not necessarily have a direct effect on land use; however, the subsequent development would have indirect effects. Once the Proposed Action occurs, the land will no longer be federal property and the USACE will not approve or disapprove development thereon, apart from shoreline uses that will remain subject to the Lake Texoma Shoreline Management Plan (LTSMP). Areas currently considered unimproved / undeveloped would be converted to residential, recreational, and commercial land uses, especially in the western portion of the project area. However, this land use is consistent with the residential land use adjacent to the project area (see figures 3-2 and 3-3), and in some cases, would actually be an extension of the existing subdivision. The new lodge and associated cabins, day-use courtesy docks, swimming beach, and pedestrian trail would remain consistent with the recreational land uses in and around the project area. The new retail and commercial center would be consistent with other such land uses along U.S. 70. Shoreline use would not be changed by the Proposed Action. Shoreline use would continue to be subject to the USACE LTSMP. The existing LTSMP would

not be changed by the Proposed Action. Current shoreline uses are consistent with the LTSMP and future uses that are inconsistent with the LTSMP would not be allowed. Therefore, the Proposed Action is only anticipated to have insignificant adverse effects on land use as a result of converting unimproved / undeveloped land uses to residential, recreational, and commercial land uses.

## **5.9 CUMULATIVE IMPACTS**

As noted in Section 1.1, approximately 186 acres currently owned by the OTRD would also be sold to the Land Office. Proposed development on these lands (see figure 3-2) include refurbishing the existing lodge and cabins located adjacent to the Lake Texoma Golf Course, south of U.S. 70, including the addition of a large swimming pool. The cabins would be rebuilt in clusters with private auto courts and traffic circulation would be modified so that the campground is no longer accessible by the road leading into this area. A new entrance would be created and campground visitors would be directed to the welcome center noted in Chapter 3.0, and continuing on to the campground from there (figure 3-2). The existing Lake Texoma Golf Course would be refurbished with extensive landscaping and a new clubhouse.

A swimming beach would be developed on property south of U.S. 70 that is owned by the USACE and leased to the OTRD (see figure 3-2). The new beach would provide resort and campground visitors with an access point on Lake Texoma for swimming.

North of U.S. 70, residential development on state land being sold to the Land Office could occur on an approximately 9.7-acre site as shown in figure 3-2. Approximately 12 golf course home sites would be constructed (see figure 3-3). Also, the majority of the proposed golf course and resort maintenance and support facilities would be constructed on an 8.1-acre parcel also on land being sold from the OTRD (figure 3-2).

In 2006 and 2007, the Oklahoma Department of Transportation will be widening three stretches of U.S. 70 from two lanes to four lanes. These stretches, two of which are located between the project area and Durant to the east, and one of which is located just west of Madill, total approximately 6.7 miles of roadway between the project area and nearby towns (Adams 2005). Widening the road would result in a loss of roadside habitat, and would have short-term, cumulative, insignificant, adverse effects on terrestrial resources such as vegetation and wildlife, air quality, noise, and ground transportation. However, it is expected that widening the road in these locations would have a long-term, cumulative, beneficial effect on ground transportation.

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## **6.0 MITIGATION PLAN**

Mitigation would not be required for the sale of the land under the Proposed Action. However, any developer ultimately selected by the land office would need to comply with federal, state, and/or local law through permitting and/or the use of best management practices, both during and after construction. Such compliance measures could include, but are not limited to: compliance with any USACE wetlands permit requirements; stormwater runoff controls; handling and using POLs in accordance with established spill prevention, control, and countermeasure, as well as hazardous material and waste management, regulations; and applying for and complying with all provisions of the general permit issued through the ODEQ.

By Executive Order 11988, the USACE would be required to identify those uses restricted by federal, state, or local floodplain regulations to reduce the risk of flood loss, minimize the impact of floods on human safety, health, and welfare, and to restore and preserve the natural and beneficial values served by floodplains. In addition, the USACE could impose further restrictions, except where prohibited by law, to protect floodplains, and flood insurance would likely be required for any developments sited in the 100-year floodplain.

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## **7.0 FEDERAL, STATE, AND LOCAL AGENCY COORDINATION**

The draft EA was coordinated with the following agencies having legislative and administrative responsibilities for environmental protection. Copies of the correspondence from those agencies that provided comments and planning assistance for preparation of the draft EA are in the appendices. The mailing list for the 30-day public review period for this EA is in Appendix A.

Caddo Indian Tribe of Oklahoma  
Chickasaw Nation of Oklahoma  
Choctaw Nation of Oklahoma  
Oklahoma Archaeological Survey  
Oklahoma Department of Environmental Quality  
Oklahoma Department of Wildlife Conservation  
Oklahoma State Historic Preservation Office  
Oklahoma Water Resources Board  
Red River Authority  
Southwest Power Administration  
Texas Commission on Environmental Quality  
Texas Historical Commission  
Texas Parks and Wildlife Department  
Texas Water Development Board  
U.S. Department of Agriculture  
U.S. Environmental Protection Agency  
U.S. Fish and Wildlife Service  
Wichita and Affiliated Tribes of Oklahoma

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## 9.0 MAJOR ENVIRONMENTAL LAWS AND REGULATIONS

Federal Policies	Compliance of Alternatives
Archaeological and Historic Preservation Act, 1974, as amended, 16 USC 469, et seq.	Full compliance
Clean Air Act, as amended, 42 USC 7609, et seq.	Full compliance
Clean Water Act, 1977, as amended (Federal Water Pollution Control Act, 33 USC 1251), et seq.	Full compliance
Endangered Species Act, 1973, as amended, 16 USC 1531, et seq.	Full compliance
Farmland Protection Policy Act, 7 USC 4201, et seq.	Full compliance
Federal Water Project Recreation Act, as amended, 16 USC 460-1-12, et seq.	Full compliance
Fish and Wildlife Coordination Act, as amended, 16 USC 661, et seq.	Full compliance
Land and Water Conservation Fund Act, 1965, as amended, 16 USC 4601, et seq.	Full compliance
National Historic Preservation Act, 1966, as amended, 16 USC 470a, et seq.	Full compliance
National Environmental Policy Act, as amended, 42 USC 4321, et seq.	Full compliance
Native American Graves Protection and Repatriation Act, 1990, 25 USC 3001-13, et seq.	Full compliance
Water Resources Development Act of 1986 , Public Law 99-662	Full compliance
Environmental Justice (Executive Order 12898)	Full compliance
Floodplain Management (Executive Order 11988)	Full compliance
Protection of Children From Environmental Health Risks and Safety Risks (Executive Order 13045)	Full compliance
Protection of Wetlands (Executive Order 11990)	Full compliance

Note: "full compliance" means that all requirements have been met of the statutes, executive orders, or other environmental requirements for the current stage of planning.

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## **10.0 LIST OF PREPARERS**

This environmental assessment has been prepared under the direction of Mr. Everett Laney of the U.S. Army Corps of Engineers, Tulsa District. Individuals from engineering-environmental Management, Inc. who contributed to the preparation of this document are listed below.

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M.S. Biological Oceanography

B.A. Zoology/Marine Science

A.A.S. Natural Resources Conservation

Certified Senior Ecologist, ESA

Certified Forest Stand Delineator

Years of Experience: 20

**Devin Scherer**

B.S. Biology

Years of Experience: 1

**Mary Young**

B.S. Environmental Science

Years of Experience: 2

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## **APPENDIX A: COORDINATION CORRESPONDENCE**



**MAILING LIST FOR LAKE TEXOMA LAND SALE ENVIRONMENTAL  
ASSESSMENT**

Mr. Jerry Brabander  
Field Supervisor  
U.S. Fish & Wildlife Service  
222 South Houston, Suite A  
Tulsa, OK 74127

Ms. Margaret Hoffman  
Executive Director  
Texas Commission on  
Environmental Quality  
MC 109  
PO Box 13087  
Austin, TX 78711

Mr. Richard E. Greene  
Federal Region VI Administrator  
Environmental Protection Agency  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202

Mr. F. Lawrence Oaks  
State Historic Preservation Officer  
Texas Historical Commission  
PO Box 12276  
Austin, TX 78711-2276

Mr. Darrel Dominick  
State Conservationist  
USDA Agri-Center Bldg.  
100 USDA, Suite 206  
Stillwater, OK 74074-2655

Mr. Jerry Chapman  
General Manager  
Greater Texoma Utility Authority  
5100 Airport Drive  
Denison, TX 75020

Mr. Greg D. Duffy  
Director  
Oklahoma Dept. of Wildlife Conservation  
PO Box 53465  
Oklahoma City, OK 73105

Mr. Michael A. Deihl  
Administrator  
Southwestern Power Administration  
One West Third Street  
Tulsa, OK 74102

Mr. Duane A. Smith  
Executive Director  
Oklahoma Water Resources Board  
3800 North Classon Blvd.  
Oklahoma City, OK 73118

Ms. Ramona Clark  
Executive Director  
Lake Texoma Association  
PO Box 610  
Kingston, OK 73439

Mr. Steve Thompson  
Executive Director  
Oklahoma Department of  
Environmental Quality  
1000 Northeast 10th Street  
Oklahoma City, OK 73117-1212

Mr. Gary McAdams  
Wichita and Affiliated Tribes of Oklahoma  
PO Box 729  
Anadarko, OK 73005

Dr. Bob Blackburn  
State Historic Preservation Officer  
Oklahoma Historical Society  
2704 Villa Prom, Shepherd Mall  
Oklahoma City, OK 73107

Choctaw Nation of Oklahoma  
PO Drawer 1210  
Durant, OK 74720

Dr. Robert Brooks  
State Archaeologist  
Oklahoma Archeological Survey  
111 East Chesapeake  
Norman, OK 73019

Chickasaw Nation of Oklahoma  
PO Box 1548  
Ada, OK 74821

Ms. Kris Marek  
Director of Conservation and Planning  
Oklahoma Department of Tourism and Recreation  
15 North Robinson Avenue, Floor 2  
Oklahoma City, OK 7102-5402

Ms. Stacy Halfmoon  
Caddo Indian Tribe of Oklahoma  
PO Box 487  
Binger, OK 73009

Mr. Robert Cook  
Executive Director  
Texas Parks & Wildlife Department  
4200 Smith School Road  
Austin, TX 78744

Mr. Jon W. Smith  
1312 Sylvan Sand  
Yukon, OK 73099

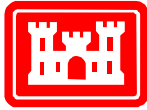
Mr. Kevin Ward  
Executive Administrator  
Texas Water Development Board  
PO Box 13231  
Austin, TX 78711-3231

Mr. Richard Dobbs  
2206 Bengal Lane  
Plano, TX 75023

Mr. Robert Cast  
General Manager  
Red River Authority of Texas  
Hamilton Building  
900 - 8th Street, Suite 520  
Wichita Falls, TX 76301-6894

Terry and Judy Borgmann  
Little Glasses Resort & Marina  
Rt. 3, Box 108  
Madill, OK 73446

Mr. Keith Kuhlman  
Director, Real Estate Management  
Commissioners of the Land Office  
PO Box 26910  
Oklahoma City, OK 73126



**US Army Corps  
of Engineers®**

Tulsa District

# NEWS RELEASE

**For Immediate Release**

To: Editors, News Directors, and Assignment Editors

Synopsis: U.S. Army Corps of Engineers seeks input on the sale of land at Lake Texoma in Oklahoma

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News Release No. 2004-28

October 27, 2004

## **U.S. Army Corps of Engineers Seeks Input on Land Sale**

TULSA, Okla. – The U.S. Army Corps of Engineers is seeking public input as it considers a sale of lands to the State of Oklahoma at Lake Texoma, Okla. The Corps will host a workshop to provide information, solicit comments, and answer questions about the project at the Kingston Elementary School Library, located at Northeast Fourth and Main St., Kingston, Okla., on Thursday, Nov. 4, from 5-8 p.m. The workshop will be an open-house format, with no set agenda or formal presentation.

The sale of the land by the U.S. Army Corps of Engineers to the State of Oklahoma is being carried out under the provisions of the Water Resources Development Act of 1999 (Public Law 106-53 113 Stat. 359). The U.S. Army Corps of Engineers, Tulsa District, will prepare an environmental assessment of the sale, which will be made available for public review later in the public involvement process.

The workshop and comment solicitation are part of the "scoping" process conducted in compliance with the National Environmental Policy Act. Scoping involves identifying potential environmental impacts of proposed Federal actions by soliciting comments and questions from the public and government agencies. Interested parties are invited to attend this workshop, visit the information tables, and discuss the project with representatives from the Corps.

In addition to the workshop, the public and government agencies are encouraged to direct comments and questions about the study to:

Mr. Stephen Nolen  
Environmental Analysis & Compliance Branch  
Tulsa District Corps of Engineers  
1645 S. 101<sup>st</sup> East Avenue  
Tulsa, OK 74128-4629  
Phone: 918-669-7660  
Fax: 918-669-7546  
E-Mail: Stephen.L.Nolen@usace.army.mil

The Tulsa District encourages all interested persons to participate in the environmental assessment process, including those with special needs. Persons who require special accommodations or who have questions about physical access or language usage at the workshop should contact Mr. Nolen in advance.

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DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, TULSA DISTRICT  
1645 SOUTH 101ST EAST AVENUE  
TULSA, OKLAHOMA 74128-4609

August 10, 2004

Planning, Environmental, and Regulatory Division  
Environmental Analysis and Compliance Branch

Mr. Richard E. Greene  
Federal Region VI Administrator  
Environmental Protection Agency  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202

Dear Mr. Greene:

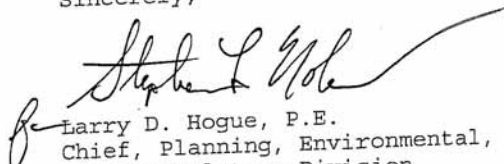
This is to inform you that the Tulsa District has begun studying the transfer of approximately 564 acres at Lake Texoma, Oklahoma and Texas to the Oklahoma Commissioners of the Land. We are beginning the process of preparing an Environmental Assessment addressing the effect of the land transfer to the state. The study is being conducted under authority of the Water Resources Development Act of 1999 (Public Law 106-53). The Water Resources Development Act authorized the Secretary of the Army to transfer approximately 1,580 acres of land; however, the actual request by the state is for approximately 564 acres.

The Oklahoma Commissioners of Land is acting as the sponsor for this project. The approximately 564 acres is adjacent to land currently owned by and leased to the Oklahoma Department of Tourism for public park and recreation purposes. In accordance with the Water Resources Development Act of 1999, the land will be sold to the state at fair market value.

We are preparing documentation for compliance with the National Environmental Policy Act of 1969 and would appreciate comments from your agency concerning this proposed action.

If you have any questions or require additional information, please contact Mr. Everett Laney at 918-669-7411.

Sincerely,

  
Larry D. Hogue, P.E.  
Chief, Planning, Environmental,  
and Regulatory Division



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, TULSA DISTRICT  
1645 SOUTH 101ST EAST AVENUE  
TULSA, OKLAHOMA 74128-4609

August 10, 2004

Planning, Environmental, and Regulatory Division  
Environmental Analysis and Compliance Branch

Ms. Ramona Clark  
Executive Director  
Lake Texoma Association  
P.O. Box 610  
Kingston, OK 73439

Dear Ms. Clark:

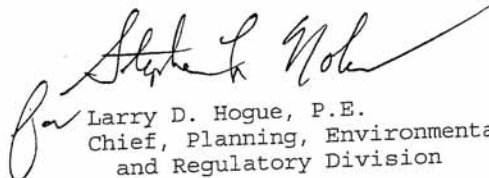
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Sincerely,

  
for Larry D. Hogue, P.E.  
Chief, Planning, Environmental,  
and Regulatory Division





DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, TULSA DISTRICT  
1645 SOUTH 101ST EAST AVENUE  
TULSA, OKLAHOMA 74128-4609

August 10, 2004

Planning, Environmental, and Regulatory Division  
Environmental Analysis and Compliance Branch

Mr. Mark S. Coleman  
Executive Director  
Oklahoma Department of Environmental Quality  
1000 Northeast 10<sup>th</sup> Street  
Oklahoma City, OK 73117-1212

Dear Mr. Coleman:

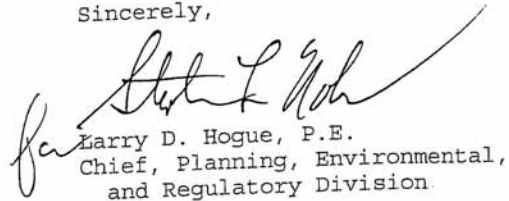
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Sincerely,

  
Larry D. Hogue, P.E.  
Chief, Planning, Environmental,  
and Regulatory Division



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, TULSA DISTRICT  
1645 SOUTH 101ST EAST AVENUE  
TULSA, OKLAHOMA 74128-4609

August 10, 2004

Planning, Environmental, and Regulatory Division  
Environmental Analysis and Compliance Branch

Mr. Greg D. Duffy  
Director  
Oklahoma Department  
of Wildlife Conservation  
P.O. Box 53465  
Oklahoma City, OK 73105

Dear Mr. Duffy:

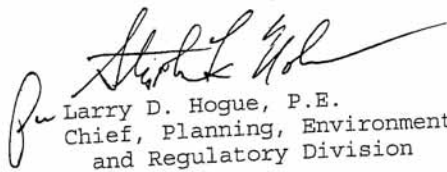
This is to inform you that the Tulsa District has begun studying the transfer of approximately 564 acres at Lake Texoma, Oklahoma and Texas to the Oklahoma Commissioners of the Land. We are beginning the process of preparing an Environmental Assessment addressing the effect of the land transfer to the state. The study is being conducted under authority of the Water Resources Development Act of 1999 (Public Law 106-53). The Water Resources Development Act authorized the Secretary of the Army to transfer approximately 1,580 acres of land; however, the actual request by the state is for approximately 564 acres.

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Sincerely,

  
Larry D. Hogue, P.E.  
Chief, Planning, Environmental,  
and Regulatory Division



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, TULSA DISTRICT  
1645 SOUTH 101ST EAST AVENUE  
TULSA, OKLAHOMA 74128-4609

August 10, 2004

Planning, Environmental, and Regulatory Division  
Environmental Analysis and Compliance Branch

Mr. Duane A. Smith  
Executive Director  
Oklahoma Water Resources Board  
P.O. Box 150  
Oklahoma City, OK 73101-0150

Dear Mr. Smith:


This is to inform you that the Tulsa District has begun studying the transfer of approximately 564 acres at Lake Texoma, Oklahoma and Texas to the Oklahoma Commissioners of the Land. We are beginning the process of preparing an Environmental Assessment addressing the effect of the land transfer to the state. The study is being conducted under authority of the Water Resources Development Act of 1999 (Public Law 106-53). The Water Resources Development Act authorized the Secretary of the Army to transfer approximately 1,580 acres of land; however, the actual request by the state is for approximately 564 acres.

The Oklahoma Commissioners of Land is acting as the sponsor for this project. The approximately 564 acres is adjacent to land currently owned by and leased to the Oklahoma Department of Tourism for public park and recreation purposes. In accordance with the Water Resources Development Act of 1999, the land will be sold to the state at fair market value.

We are preparing documentation for compliance with the National Environmental Policy Act of 1969 and would appreciate comments from your agency concerning this proposed action.

If you have any questions or require additional information, please contact Mr. Everett Laney at 918-669-7411.

Sincerely,

  
for Larry D. Hogue, P.E.  
Chief, Planning, Environmental,  
and Regulatory Division



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, TULSA DISTRICT  
1645 SOUTH 101ST EAST AVENUE  
TULSA, OKLAHOMA 74128-4609

August 10, 2004

Planning, Environmental, and Regulatory Division  
Environmental Analysis and Compliance Branch

Mr. Curtis W. Campbell  
General Manager  
Red River Authority of Texas  
Hamilton Building  
900 8th Street, Suite 520  
Wichita Falls, TX 76301-6894

Dear Mr. Campbell:

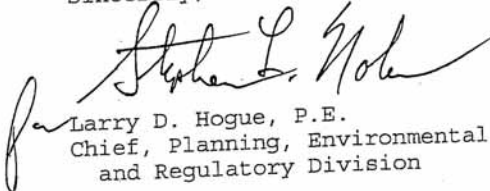
This is to inform you that the Tulsa District has begun studying the transfer of approximately 564 acres at Lake Texoma, Oklahoma and Texas to the Oklahoma Commissioners of the Land. We are beginning the process of preparing an Environmental Assessment addressing the effect of the land transfer to the state. The study is being conducted under authority of the Water Resources Development Act of 1999 (Public Law 106-53). The Water Resources Development Act authorized the Secretary of the Army to transfer approximately 1,580 acres of land; however, the actual request by the state is for approximately 564 acres.

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If you have any questions or require additional information, please contact Mr. Everett Laney at 918-669-7411.

Sincerely,

  
for Larry D. Hogue, P.E.  
Chief, Planning, Environmental,  
and Regulatory Division



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, TULSA DISTRICT  
1645 SOUTH 101ST EAST AVENUE  
TULSA, OKLAHOMA 74128-4609

August 10, 2004

Planning, Environmental, and Regulatory Division  
Environmental Analysis and Compliance Branch

Mr. Michael A. Deihl  
Administrator  
Southwestern Power Administration  
One West Third Street  
Tulsa, OK 74102

Dear Mr. Deihl:

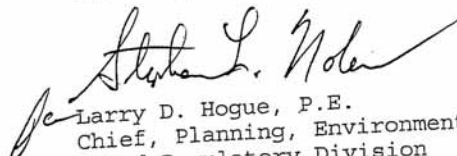
This is to inform you that the Tulsa District has begun studying the transfer of approximately 564 acres at Lake Texoma, Oklahoma and Texas to the Oklahoma Commissioners of the Land. We are beginning the process of preparing an Environmental Assessment addressing the effect of the land transfer to the state. The study is being conducted under authority of the Water Resources Development Act of 1999 (Public Law 106-53). The Water Resources Development Act authorized the Secretary of the Army to transfer approximately 1,580 acres of land; however, the actual request by the state is for approximately 564 acres.

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If you have any questions or require additional information, please contact Mr. Everett Laney at 918-669-7411.

Sincerely,

  
Larry D. Hogue, P.E.  
Chief, Planning, Environmental,  
and Regulatory Division



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, TULSA DISTRICT  
1645 SOUTH 101ST EAST AVENUE  
TULSA, OKLAHOMA 74128-4609

August 10, 2004

Planning, Environmental, and Regulatory Division  
Environmental Analysis and Compliance Branch

Ms. Margaret Hoffman  
Executive Director  
Texas Commission on Environmental Quality  
MC 109  
P.O. Box 13087  
Austin, TX 78711

Dear Ms. Hoffman:

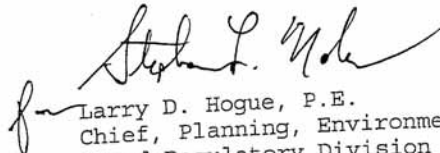
This is to inform you that the Tulsa District has begun studying the transfer of approximately 564 acres at Lake Texoma, Oklahoma and Texas to the Oklahoma Commissioners of the Land. We are beginning the process of preparing an Environmental Assessment addressing the effect of the land transfer to the state. The study is being conducted under authority of the Water Resources Development Act of 1999 (Public Law 106-53). The Water Resources Development Act authorized the Secretary of the Army to transfer approximately 1,580 acres of land; however, the actual request by the state is for approximately 564 acres.

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We are preparing documentation for compliance with the National Environmental Policy Act of 1969 and would appreciate comments from your agency concerning this proposed action.

If you have any questions or require additional information, please contact Mr. Everett Laney at 918-669-7411.

Sincerely,

  
for Larry D. Hogue, P.E.  
Chief, Planning, Environmental,  
and Regulatory Division



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, TULSA DISTRICT  
1645 SOUTH 101ST EAST AVENUE  
TULSA, OKLAHOMA 74128-4609

August 10, 2004

Planning, Environmental, and Regulatory Division  
Environmental Analysis and Compliance Branch

Mr. Robert Cook  
Executive Director  
Texas Parks & Wildlife Department  
4200 Smith School Road  
Austin, TX 78744

Dear Mr. Cook:

This is to inform you that the Tulsa District has begun studying the transfer of approximately 564 acres at Lake Texoma, Oklahoma and Texas to the Oklahoma Commissioners of the Land. We are beginning the process of preparing an Environmental Assessment addressing the effect of the land transfer to the state. The study is being conducted under authority of the Water Resources Development Act of 1999 (Public Law 106-53). The Water Resources Development Act authorized the Secretary of the Army to transfer approximately 1,580 acres of land; however, the actual request by the state is for approximately 564 acres.

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We are preparing documentation for compliance with the National Environmental Policy Act of 1969 and would appreciate comments from your agency concerning this proposed action.

If you have any questions or require additional information, please contact Mr. Everett Laney at 918-669-7411.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry D. Hogue", is written over the typed name.

Larry D. Hogue, P.E.  
Chief, Planning, Environmental,  
and Regulatory Division



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, TULSA DISTRICT  
1645 SOUTH 101ST EAST AVENUE  
TULSA, OKLAHOMA 74128-4609

August 10, 2004

Planning, Environmental, and Regulatory Division  
Environmental Analysis and Compliance Branch

Mr. Kevin Ward  
Executive Administrator  
Texas Water Development Board  
P.O. Box 13231  
Austin, TX 78711-3231

Dear Mr. Ward:

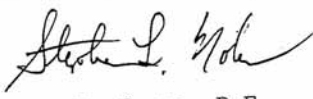
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If you have any questions or require additional information, please contact Mr. Everett Laney at 918-669-7411.

Sincerely,

  
Larry D. Hogue, P.E.  
Chief, Planning, Environmental,  
and Regulatory Division





DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, TULSA DISTRICT  
1645 SOUTH 101ST EAST AVENUE  
TULSA, OKLAHOMA 74128-4609

August 10, 2004

Planning, Environmental, and Regulatory Division  
Environmental Analysis and Compliance Branch

Mr. Darrel Dominick  
State Conservationist  
USDA Agri-Center Bldg  
100 USDA, Suite 206  
Stillwater, OK 74074-2655

Dear Mr. Dominick:

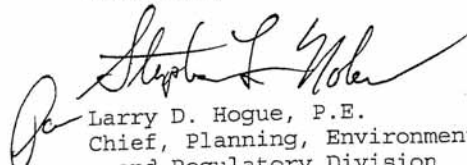
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Sincerely,

  
Larry D. Hogue, P.E.  
Chief, Planning, Environmental,  
and Regulatory Division



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, TULSA DISTRICT  
1645 SOUTH 101ST EAST AVENUE  
TULSA, OKLAHOMA 74128-4609

August 10, 2004

Planning, Environmental, and Regulatory Division  
Environmental Analysis and Compliance Branch

Mr. Jerry Brabander  
Field Supervisor  
U.S. Fish & Wildlife Service  
222 South Houston, Suite A  
Tulsa, OK 74127

Dear Mr. Brabander:

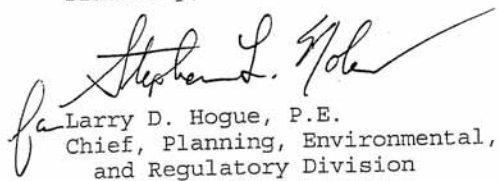
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Sincerely,

  
Larry D. Hogue, P.E.  
Chief, Planning, Environmental,  
and Regulatory Division

12/07/2004 16:45 FAX 9186694306  
12/07/2004 15:04 FAX 405 325 7702

REGULATORY BR.  
OKLA. BIOLOGICAL SURVEY

003/004  
002



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, TULSA DISTRICT  
1645 SOUTH 101ST EAST AVENUE  
TULSA, OKLAHOMA 74128-4609

October 7, 2004

Planning, Environmental, and Regulatory Division  
Environmental Analysis and Compliance Branch

Mr. Ian Butler  
Oklahoma Natural Heritage Inventory  
111 East Chesapeake Street  
Norman, OK 73019-0575

Dear Mr. Butler:

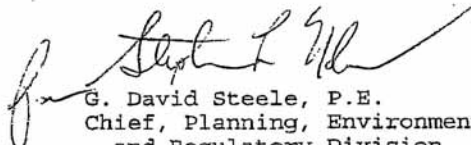
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We are preparing documentation for compliance with the National Environmental Policy Act of 1969 and would appreciate comments from your agency concerning this proposed action by 15 October 2004.

If you have any questions or require additional information, please contact Mr. Everett Laney at 918-669-7411.

Sincerely,

  
G. David Steele, P.E.  
Chief, Planning, Environmental,  
and Regulatory Division

12/07/2004 16:45 FAX 9186694306  
12- 1-04:11:33

REGULATORY BR.

4055212428

002/004  
# 2/ 2



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, TULSA DISTRICT  
1645 SOUTH 101ST EAST AVENUE  
TULSA, OKLAHOMA 74128-4609

August 10, 2004

Planning, Environmental, and Regulatory Division  
Environmental Analysis and Compliance Branch

Ms. Kris Marek  
Director of Conservation  
and Planning  
Oklahoma Department  
of Tourism and Recreation  
15 North Robinson Avenue, Floor 2  
Oklahoma City, OK 73102-5402

Dear Ms. Marek:

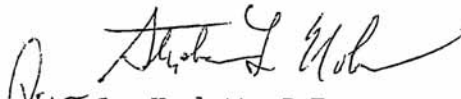
This is to inform you that the Tulsa District has begun studying the transfer of approximately 564 acres at Lake Texoma, Oklahoma and Texas to the Oklahoma Commissioners of the Land. We are beginning the process of preparing an Environmental Assessment addressing the effect of the land transfer to the state. The study is being conducted under authority of the Water Resources Development Act of 1999 (Public Law 106-53). The Water Resources Development Act authorized the Secretary of the Army to transfer approximately 1,580 acres of land, however; the actual request by the state is for approximately 564 acres.

The Oklahoma Commissioners of Land is acting as the sponsor for this project. The approximately 564 acres is adjacent to land currently owned by and leased to the Oklahoma Department of Tourism for public park and recreation purposes. In accordance with the Water Resources Development Act of 1999, the land will be sold to the state at fair market value.

We are preparing documentation for compliance with the National Environmental Policy Act of 1969 and would appreciate comments from your agency concerning this proposed action.

If you have any questions or require additional information, please contact Mr. Everett Liney at 918-669-7411.

Sincerely,

  
Sue Haslett, P.E.  
Acting Chief, Planning,  
Environmental, and  
Regulatory Division

WILDLIFE CONSERVATION COMMISSION

Mac Maguire  
CHAIRMAN  
Bruce Mabrey  
VICE CHAIRMAN  
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MEMBER  
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MEMBER



BRAD HENRY, GOVERNOR  
GREG D. DUFFY, DIRECTOR

DEPARTMENT OF WILDLIFE CONSERVATION

1801 N. LINCOLN P.O. BOX 53465 OKLAHOMA CITY, OK 73105 PH. 521-3851

August 13, 2004

Mr. Everett Laney  
Department of the Army  
Corps of Engineers, Tulsa District  
1645 South 101<sup>st</sup> East Ave.  
Tulsa, OK 74126-4609

RE: Lake Texoma Land Transfer

Dear Mr. Laney,

This responds to your correspondence of August 10, 2004 requesting information regarding species that could be affected by a proposed land transfer from the US Army Corps of Engineers (COE) to the Oklahoma Commissioners of the Land. The proposed land transfer involves 564 acres at Lake Texoma, which is adjacent to land currently leased to the Oklahoma Department of Tourism for public park and recreation purposes. The study area has the following legal locations:

**Kingston North:** Section 26, 27, 28, T6S, R6E, Marshall County  
**Kingston South:** Section 25, 26, 35, 36, T6S, R6E, Marshall County  
**Platter:** Section 1, 2, T7S, R6E, Marshall County  
Section 36, T6S, R6E, Marshall County

Please understand that, due to personnel and financial constraints, the Oklahoma Department of Wildlife Conservation (ODWC) has not conducted an actual field survey of this project location; however, we have compared this site against our records for endangered and threatened species. Based upon this review we have concluded that it is unlikely that the proposed land transfer will have negative impacts on federal or state-listed endangered or threatened species. However, several state and federally threatened or endangered species do exist in Marshall County. These species include the Interior Least Tern, *Sterna antillarum*; Bald Eagle, *Haliaeetus leucocephalus* and Piping Plover, *Charadrius melodius*, which rely on large waterbodies such as the Red and Washita Rivers for nesting, food resources and migratory refugia. The Bald Eagle and Piping Plover are federally threatened species and the Interior Least Tern is a federally endangered species.



Search for the Salesperson  
on Your State Tax Form

An Equal Opportunity Employer



For additional information regarding the locations of state listed threatened or endangered species, we recommend you contact the Oklahoma Natural Heritage Inventory, 111 E. Chesapeake Street, Norman, Oklahoma 73019. For information on federally listed threatened or endangered species, you should contact the U.S. Fish and Wildlife Service, Ecological Services, 222 South Houston, Suite A. Tulsa, OK 74127 or <http://ifw2es.fws.gov/Oklahoma/endsp.htm>.

We appreciate the opportunity to review and provide comments on this project. If we can be of further assistance, please contact our Natural Resources Section at 405-521-4663

Sincerely,

A handwritten signature in black ink, appearing to read "Greg D. Duffy", written in a cursive style.

Greg D. Duffy  
Director

United States Department of Agriculture



Natural Resources Conservation Service, 100 USDA, Suite 206, Stillwater, OK 74074-2655

405.742.1227

August 25, 2004

Mr. Larry D. Hogue, P.E.  
Chief, Planning, Environmental, and Regulatory Division  
Department of the Army  
Corps of Engineers, Tulsa District  
1645 South 101<sup>st</sup> East Avenue  
Tulsa, Oklahoma 74128-4609

Dear Mr. Hogue:

Thank you for your letter of August 10, 2004, requesting comments concerning transfer of Corps of Engineers land to the Oklahoma Commissioners of the Land at Lake Texoma, Oklahoma and Texas.

At this time, NRCS has no comments concerning the land transfer. We would not expect this type action to have any effects on prime farmlands. Thank you for the opportunity to comment.

Respectfully,

  
M. Darrel Dominick  
State Conservationist

Acting For

The Natural Resources Conservation Service provides leadership in a partnership effort to help people conserve, maintain, and improve our natural resources and environment.

An Equal Opportunity Provider and Employer





BRAD HENRY  
GOVERNOR



KATHRYN TAYLOR  
SECRETARY OF  
COMMERCE & TOURISM

OKLAHOMA TOURISM & RECREATION DEPARTMENT  
RALPH MCCALMONT  
INTERIM DIRECTOR

October 15, 2004

*Steve*  
Sue Haslett, P.E.  
Department of the Army  
Corps of Engineers, Tulsa District  
1645 South 101<sup>st</sup> East Avenue  
Tulsa, OK 74128-4609

RE: Lake Texoma Land Transfer

Dear Ms. Haslett:

We have reviewed the information you have provided regarding the transfer of land at Lake Texoma. Our records indicate that there are five projects that were funded with federal funds under the Land and Water Conservation Fund at Lake Texoma State Park. A description of each project is noted in the attachment to this letter.

Any use of land within this park for other than park and recreation purposes would be a conversion and would be prohibited under Section 6F of the Land and Water Conservation Act. If this transaction moves forward, it will be the responsibility of the project sponsor, the Oklahoma Tourism and Recreation Department, to assure that the conversion is reconciled prior to loss of the recreation estate. A copy of this letter will be provided to the Oklahoma Tourism and Recreation Department for their information.

Thank you for the opportunity to review this project. If you have any questions, please give me a call at 405-521-2904.

Sincerely,

A handwritten signature in cursive script, appearing to read "Susan Henry".

Susan Henry, Grants  
Conservation and Planning  
Alternate State Liaison Officer for the  
Land and Water Conservation Fund

Attachment: 1

C: Robb Gray, Executive Director, Oklahoma Tourism and Recreation Department  
Kris Marek, State Liaison Officer, Director of Conservation and Planning  
Jeff Erwin, Director of State Parks, Resorts and Golf

15 NORTH ROBINSON, SUITE 100 • OKLAHOMA CITY, OK 73102  
TEL (405) 521-7412 • FAX (405) 522-5354 • TRAVEL.OK.COM

**LWCF PROJECTS:**

STATE PARK

MARSHALL  
COUNTY

**PROJECT:** 40-00040 LAKE TEXOMA STATE PARK GROUP CAMP  
**SPONSOR:** TOURISM & RECREATION DEPT. **FUNDING:** \$40,173.63 **APPROVED** 1/2/67  
**LOCATION:** LAKE TEXOMA S.P. - 12 MILES EAST OF KINGSTON ON HW 32 IN MARSHAL CO. **COMPLETED**  
09/03/69

**SCOPE:** CONSTRUCT OVERNIGHT GROUP CAMP CONSISTING OF 10 SLEEPING CABINS, 1 COMMUNITY BLDG., AND SUPPORTING UTILITIES. 6/23/97 - GOLF COURSE REPLACE ALL FACILITIES DEVELOPED IN THIS ORIGINAL PRJ. AND PRJ. 592. APPROVED BY NPS (LETTER & MAPS IN MAP FILE FOR PRJ).

**PROJECT:** 40-00049 LAKE TEXOMA STATE PARK ROAD  
**SPONSOR:** TOURISM & RECREATION DEPT. **FUNDING:** \$4,406.40 **APPROVED** 2/14/68  
**LOCATION:** LAKE TEXOMA S.P. - 12 MILES EAST OF KINGSTON ON HW 32 IN MARSHAL CO. **COMPLETED**  
12/31/68  
NORTH OF HWY 270.

**SCOPE:** IMPROVE 3,200 L.F. OF EXISTING PARK ROADS BY BLADING, SHAPING AND COMPACTING THE SUBGRADE; ADDING ADDITIONAL GRAVEL BASE; COMPACTING THE GRAVEL BASE, THEN PLACING A DOUBLE BITUMINOUS SURFACE COURSE.

**PROJECT:** 40-00079 LAKE TEXOMA STATE PARK ROAD  
**SPONSOR:** TOURISM & RECREATION DEPT. **FUNDING:** \$3,213.00 **APPROVED** 6/24/69  
**LOCATION:** LAKE TEXOMA STATE PARK PARKING AREA - 12 MILES EAST OF KINGSTON ON HW 32 IN MARSHAL CO. (ACCESS ROAD AND PARKING AREA AT NEW BOATHOUSE) **COMPLETED** 07/01/70

**SCOPE:** SURFACE EXISTING ACCESS ROAD AND PARKING AREA AT THE NEW BOAT HOUSE, INCLUDING: BLADING, COMPACTING, STABILIZING THE SUB-GRADE, THEN PLACING A DOUBLE BITUMINOUS SURFACE COURSE.

**PROJECT:** 40-00229.25 MASTER PLANNING & DEV.-LAKE TEXOMA STATE PARK  
**SPONSOR:** TOURISM & RECREATION DEPT. **FUNDING:** \$53,000.00 **APPROVED** 5/31/73  
**LOCATION:** LAKE TEXOMA S.P. - 12 MILES EAST OF KINGSTON ON HW 32 IN MARSHAL CO. **COMPLETED**  
12/31/83

**SCOPE:** CAMPGROUND RENOVATION AND ELECTRICAL SYSTEM WORK AT CATFISH BAY LAGOON  
AERATION SYSTEM ADJACENT TO AIRFIELD.

**PROJECT:** 40-00592 LAKE TEXOMA TENNIS COURT LIGHTING  
**SPONSOR:** TOURISM & RECREATION DEPT. **FUNDING:** \$572,599.99 **APPROVED** 12/8/77  
**LOCATION:** LAKE TEXOMA S.P. - 12 MILES EAST OF KINGSTON ON HW 32 IN MARSHAL CO. **COMPLETED**  
12/31/84  
CAMPGROUND AT CHICKASAW POINT, TENNIS COURTS NEXT TO LODGE.  
LODGE GOLF COURSE

**SCOPE:** LODGE TENNIS COURT LIGHTING, LODGE GOLF COURSE IRRIGATION, SEWAGE DISPOSAL SYSTEM, RENOVATION OF COMFORT STATION AND CAMPGROUND AT CHICKASAW POINT. 6/23/97 GOLF COURSE REPLACE ALL FACILITIES DEVELOPED IN ORIGINAL PRJ., APPROVED BY NPS (LETTER IN FILE).

**LWCF PROJECTS:**

STATE PARK

MARSHALL  
COUNTY

**PROJECT:** 40-00901.5 LAKE TEOXMA SOUTHWEST REGION IMPROVEMENTS  
**SPONSOR:** TOURISM & RECREATION DEPT. **FUNDING:** **APPROVED** 7/18/84  
**LOCATION:** LAKE TEXOMA S.P. (CAMPGROUND & CATFISH BAY) - 12 MILES EAST OF **COMPLETED** 12/31/92  
KINGSTON ON HW 32 IN MARSHAL CO.  
**SCOPE:** LAKE TEOXMA S.P. - CONSTRUCT CAMPGROUND: ROADS & PAD, UTILITIES, LANDSCAPE & SIGNS, &  
LAGOON. CATFISH BAY CONSTRUCT COMFORT STATION. ADD H.C. ACCESS TO FACILITIES AND  
SUPPORTS FACILITIES WHICH APPEAR IN ORIGINAL SCOPE OF PROJ.

**PROJECT:** 40-00904.08 LAKE TEXOMA - OKLAHOMA STATE PARK GOLF COURSES  
**SPONSOR:** TOURISM & RECREATION DEPT. **FUNDING:** **APPROVED** 9/12/84  
**LOCATION:** LAKE TEXOMA S.P. - 12 MILES EAST OF KINGSTON ON HW 32 IN MARSHAL CO. **COMPLETED**  
12/31/92  
**SCOPE:** TEXOMA: CONSTRUCT MAINTENANCE/STORAGE BLDG. W/ SITE PREP. ADD H.C. ACCESS TO  
FACILITIES AND SUPPORTS FACILITIES WHICH APPEAR IN ORIGINAL SCOPE OF PROJ.

**PROJECT:** 40-01093 TEXOMA RALLY PAVILLION RESTROOM  
**SPONSOR:** TOURISM & RECREATION DEPT. **FUNDING:** \$12,500.00 **APPROVED** 03/21/02  
**LOCATION:** LAKE TEXOMA S.P. - 12 MILES EAST OF KINGSTON ON HW 32 IN MARSHAL CO. **COMPLETED**  
12/31/07  
**SCOPE:** LABOR AND MATERIAL FOR ADA ACCESSIBLE RESTROOMS.

14-oct-04

Page 2 of 2



**Laney, Everett SWT**

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**From:** Haden Holcomb [haden.holcomb@swpa.gov]  
**Sent:** Thursday, August 19, 2004 8:03 AM  
**To:** Laney, Everett  
**Cc:** Darlene Low  
**Subject:** Corps of Engineers Lake Texoma Land Transfer

RE: Corps of Engineers Lake Texoma Land Transfer Thank you for opportunity to provide comments regarding the above referenced action. A copy of your letter, dated 8/10/04, was provided to Southwestern Power Administration's (Southwestern) Environmental Program, and Hydraulic Engineers for review. After initial review, Southwestern believes that the land transfer would not have an impact on its operations, but due to the fact that the location of the land to be transferred has not been identified, Southwestern may provide comments to the Corps of Engineers after review of the Draft Environmental Assessment.

Haden Holcomb  
Environmental Specialist  
Wyandotte Net Tel

12/07/2004 16:45 FAX 9186694306  
12/07/2004 12:56 FAX 405 325 7702

REGULATORY BR.  
OILA. BIOLOGICAL SURVEY

004/004  
002



*Oklahoma*  
*Natural Heritage Inventory*

OKLAHOMA BIOLOGICAL SURVEY  
111 E. Chesapeake Street  
Norman, Oklahoma 73019-0575, USA  
(405) 325-1985  
FAX: (405) 325-7702

David Steele, P.E.  
Corps of Engineers, Tulsa District  
1645 S. 101<sup>st</sup> East Ave.  
Tulsa, OK 74128-4609

OBS Ref: 2004-471-FED-COE

Dec. 1<sup>st</sup>, 2004


Re: Texhoma Land Transfer – Oct. 7<sup>th</sup>, 2004

Dear Mr. Steele,

This letter is in response to your request for information on the presence of endangered species or other elements of biological significance at the referenced site(s). We have reviewed the information currently in the Natural Heritage Inventory database and have found no records of elements at the location you describe.

Because the database is only as complete as the information that has been collected, we cannot say certainly whether or not a given site harbors rare species or ecological communities. In addition, the Oklahoma Biological Survey has no regulatory authority for endangered species and cannot say whether a project is or is not compliant with state or federal laws. Endangered species regulatory authorities in Oklahoma are the U.S. Fish & Wildlife Service in Tulsa (918-581-7458) and the Oklahoma Department of Wildlife Conservation (405-521-4619). These offices also may have specific information of which we are unaware.

Sincerely,

  
for Ian Butler  
Biological Data Coordinator

## **APPENDIX B: U.S. FISH AND WILDLIFE SERVICE CORRESPONDENCE**







## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

Ecological Services  
222 S. Houston, Suite A  
Tulsa, Oklahoma 74127

In Reply Refer To:  
FWS/R2/OKES/02-14-04-I-1067

October 6, 2004

Steve Nolan  
Environmental Analysis and Compliance Branch  
U.S. Army Corps of Engineers  
1645 South 101<sup>st</sup> East Avenue  
Tulsa, Oklahoma 74128-4609

Dear Mr. Nolan:

This is in response to an August 10, 2004, letter from Mr. Larry Hogue requesting comments on a proposed land transfer at Lake Texoma. The proposed action would transfer 564 acres to the Oklahoma Commissioners of the Land with the land to be sold at fair market value. The precise location and proposed use of the 564 acres of land was not identified in the letter, but the land was stated to be adjacent to lands currently owned by and leased to the Oklahoma Department of Tourism for public park and recreational purposes.

Lacking precise information on the location of these lands, the U.S. Fish and Wildlife Service (Service) cannot provide you a site specific species list pursuant to section 7 of the Endangered Species Act (ESA), as amended. However, the federally-listed species likely to occur near Lake Texoma would include the bald eagle *Haliaeetus leucocephalus*, interior least tern *Sterna antillarum*, piping plover *Charadrius melodus*, whooping crane *Grus americana*, and American burying beetle *Nicrophorus americanus*. We are assuming that the state is attempting to acquire the land to enhance or extend recreational development currently occurring on adjacent lands and that there is some potential for impacts to federally-listed species. The direct and indirect effects of the action on these federally-listed species must be addressed before proceeding with your proposed action.

#### Cumulative Effects

The U.S. Army Corps of Engineers (Corps) frequently permits actions such as clearing of vegetation, docks, leases for marinas and concessions, donating, selling, or leasing lands, easements for pipelines, encroachment of private buildings, and other relatively small projects that cumulatively impact wildlife habitat at Corps projects. Lands previously available for public uses such as camping, hiking, hunting and fishing frequently then become unavailable to the general public. Often little or no mitigation is implemented for many of these actions. However, the Corps continues to address the impact of these small projects individually rather than cumulatively and rarely determines the effects to be anything but insignificant. The Corps even considers many such actions to be exempt from National Environmental Policy Act (NEPA) and

Mr. Nolan

does not allow the Service or other entities to review and comment on these actions. In our opinion, the cumulative effect of these actions is that wildlife habitat is degraded, fragmented, or eliminated and little or no mitigation is provided to offset these impacts. Such an approach violates the intent of the Fish and Wildlife Coordination Act and NEPA.

This proposed action is another example of project lands and wildlife habitat being affected without any assessment of cumulative effects. The Service would not be opposed to most of these individual actions, provided the Corps considers the cumulative effects and adequately mitigates for those effects. Currently we are unaware of any efforts by the Corps to assess or mitigate for these cumulative effects. The Service has consistently stressed the need for the Corps to address the cumulative effects of numerous, relatively small habitat impacts on lands owned by the Corps. Similar comments were provided regarding shoreline management plans and this issue was discussed at a March 13, 2001, meeting at the Corps Tulsa District Office.

Additional comments on this subject were provided in a November 9, 2001, letter. The Corps responded in a December 17, 2001, letter that the Tulsa District was waiting for guidance from their headquarters office, but would respond to our comments after reviewing the information from headquarters. However, we are unaware of any progress being made in assessing and mitigating for cumulative effects related to out-grants, transfers, permits, leases, and other land-use issues on Corps lands. The potential cumulative effects of these and similar actions should be considered and adequately addressed.

The Service appreciates the opportunity to provide comments and we look forward to further coordination on the proposed action. If you have any questions, please contact Kevin Stubbs at 918-581-7458, extension 236.

Sincerely,



Jerry J. Brabander  
Field Supervisor

cc: Director, ODWC, Attn: Natural Resources Sections, Oklahoma City, OK

## **APPENDIX C: CULTURAL RESOURCES COORDINATION**



03/25/2005 08:15 FAX 9186694306

REGULATORY BR.

002



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, TULSA DISTRICT  
1645 SOUTH 101ST EAST AVENUE  
TULSA, OKLAHOMA 74128-4609

October 18, 2004

Planning, Environmental, and Regulatory Division  
Environmental Analysis and Compliance Branch

Quapaw Tribe of Oklahoma  
P.O. Box 765  
Quapaw, OK 74363

Dear Sirs:

In accordance with 36 CFR 800.4, Protection of Historic Properties, the purpose of this letter is to request your assistance in identifying cultural properties that may be of traditional religious or cultural significance to the Quapaw Tribe in property proposed for disposal at Lake Texoma in Marshall County, Oklahoma.

Section 563(e) of the Water Resource Development Act (WRDA) of 1999, Public Law 106-53, 113 Stat. 269, directs the Federal Government to convey all right, title, and interest in property included as part of the Lake Texoma State Park to the State of Oklahoma at fair market value. As requested by the State of Oklahoma, the property to be disposed of totals approximately 560 acres, and is located in Sections 22, 25, 26, 27, 35, and 36, T6S R5E in Marshall County, Oklahoma (see enclosed maps). The U.S. Army Corps of Engineers (USACE), Tulsa District, has administered the lands involved in this disposal since their purchase in the 1940s.

A cultural resources survey of the proposed property to be disposed of will be performed in the near future, and the results of this survey will be coordinated with your office. In order to assist us in the assessment of the potential impacts of the proposed property disposal on cultural resources, we are requesting information that the Quapaw Tribe is willing to share on any traditional religious or culturally significant properties located within the proposed project area so that we may adequately assess the effects of the proposed project on cultural resources.

03/25/2005 08:16 FAX 9186694306


REGULATORY BR.

003

-2-

Thank you for your help with this request. If you have any questions, please contact Mr. Louis Vogeles, Archeologist, at 918-669-4934.

Sincerely,

  
G. David Steele, P.E.  
Chief, Planning, Environmental,  
and Regulatory Division

Enclosures

03/25/2005 08:16 FAX 9186694306

REGULATORY BR.

004



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, TULSA DISTRICT  
1645 SOUTH 101ST EAST AVENUE  
TULSA, OKLAHOMA 74128-4609

October 18, 2004

Planning, Environmental, and Regulatory Division  
Environmental Analysis and Compliance Branch

Mr. Terry Cole  
Choctaw Nation of Oklahoma  
P.O. Drawer 1210  
Durant, OK 74720

Dear Mr. Cole:

In accordance with 36 CFR 800.4, Protection of Historic Properties, the purpose of this letter is to request your assistance in identifying cultural properties that may be of traditional religious or cultural significance to the Choctaw Nation in property proposed for disposal at Lake Texoma in Marshall County, Oklahoma.

Section 563(e) of the Water Resource Development Act (WRDA) of 1999, Public Law 106-53, 113 Stat. 269, directs the Federal Government to convey all right, title, and interest in property included as part of the Lake Texoma State Park to the State of Oklahoma at fair market value. As requested by the State of Oklahoma, the property to be disposed of totals approximately 560 acres, and is located in Sections 22, 25, 26, 27, 35, and 36, T6S R5E in Marshall County, Oklahoma (see enclosed maps). The U.S. Army Corps of Engineers (USACE), Tulsa District, has administered the lands involved in this disposal since their purchase in the 1940s.

A cultural resources survey of the proposed property to be disposed of will be performed in the near future, and the results of this survey will be coordinated with your office. In order to assist us in the assessment of the potential impacts of the proposed property disposal on cultural resources, we are requesting information that the Choctaw Nation is willing to share on any traditional religious or culturally significant properties located within the proposed project area so that we may adequately assess the effects of the proposed project on cultural resources.

03/25/2005 08:16 FAX 9186694306

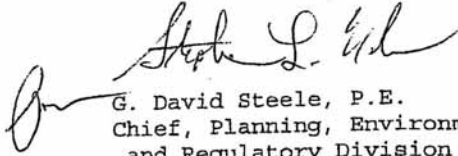
REGULATORY BR.

005

-2-

Thank you for your help with this request. If you have any questions, please contact Mr. Louis Vogeles, Archeologist, at 918-669-4934.

Sincerely,



G. David Steele, P.E.  
Chief, Planning, Environmental,  
and Regulatory Division

Enclosures



03/25/2005 08:16 FAX 9186694306

REGULATORY BR.

006



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, TULSA DISTRICT  
1645 SOUTH 101ST EAST AVENUE  
TULSA, OKLAHOMA 74128-4609

October 18, 2004

Planning, Environmental, and Regulatory Division  
Environmental Analysis and Compliance Branch

Ms. Rena Duncan  
Cultural Resource Management  
Chickasaw Nation of Oklahoma  
P.O. Box 1548  
Ada, OK 74821

Dear Ms. Duncan:

In accordance with 36 CFR 800.4, Protection of Historic Properties, the purpose of this letter is to request your assistance in identifying cultural properties that may be of traditional religious or cultural significance to the Chickasaw Nation in property proposed for disposal at Lake Texoma in Marshall County, Oklahoma.

Section 563(e) of the Water Resource Development Act (WRDA) of 1999, Public Law 106-53, 113 Stat. 269, directs the Federal Government to convey all right, title, and interest in property included as part of the Lake Texoma State Park to the State of Oklahoma at fair market value. As requested by the State of Oklahoma, the property to be disposed of totals approximately 560 acres, and is located in Sections 22, 25, 26, 27, 35, and 36, T6S R5E in Marshall County, Oklahoma (see enclosed maps). The U.S. Army Corps of Engineers (USACE), Tulsa District, has administered the lands involved in this disposal since their purchase in the 1940s.

A cultural resources survey of the proposed property to be disposed of will be performed in the near future, and the results of this survey will be coordinated with your office. In order to assist us in the assessment of the potential impacts of the proposed property disposal on cultural resources, we are requesting information that the Chickasaw Nation is willing to share on any traditional religious or culturally significant properties located within the proposed project area so that we may adequately assess the effects of the proposed project on cultural resources.

03/25/2005 08:16 FAX 9186694306

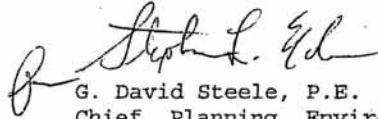
REGULATORY BR.

007

-2-

Thank you for your help with this request. If you have any questions, please contact Mr. Louis Vogeles, Archeologist, at 918-669-4934.

Sincerely,



G. David Steele, P.E.  
Chief, Planning, Environmental,  
and Regulatory Division

Enclosures

03/25/2005 08:17 FAX 9186694306

REGULATORY BR.

008



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, TULSA DISTRICT  
1645 SOUTH 101ST EAST AVENUE  
TULSA, OKLAHOMA 74128-4609

October 18, 2004

Planning, Environmental, and Regulatory Division  
Environmental Analysis and Compliance Branch

Mr. Robert Cast  
Cultural Resource Management  
Caddo Tribe of Oklahoma  
P.O. Box 487  
Binger, OK 73009

Dear Mr. Cast:

In accordance with 36 CFR 800.4, Protection of Historic Properties, the purpose of this letter is to request your assistance in identifying cultural properties that may be of traditional religious or cultural significance to the Caddo Tribe in property proposed for disposal at Lake Texoma in Marshall County, Oklahoma.

Section 563(e) of the Water Resource Development Act (WRDA) of 1999, Public Law 106-53, 113 Stat. 269, directs the Federal Government to convey all right, title, and interest in property included as part of the Lake Texoma State Park to the State of Oklahoma at fair market value. As requested by the State of Oklahoma, the property to be disposed of totals approximately 560 acres, and is located in Sections 22, 25, 26, 27, 35, and 36, T6S R5E in Marshall County, Oklahoma (see enclosed maps). The U.S. Army Corps of Engineers (USACE), Tulsa District, has administered the lands involved in this disposal since their purchase in the 1940s.

A cultural resources survey of the proposed property to be disposed of will be performed in the near future, and the results of this survey will be coordinated with your office. In order to assist us in the assessment of the potential impacts of the proposed property disposal on cultural resources, we are requesting information that the Caddo Tribe is willing to share on any traditional religious or culturally significant properties located within the proposed project area so that we may adequately assess the effects of the proposed project on cultural resources.

03/25/2005 08:17 FAX 9186694306

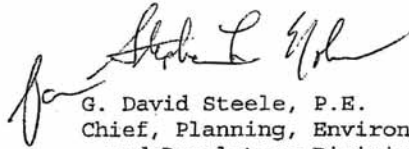
REGULATORY BR.

009

-2-

Thank you for your help with this request. If you have any questions, please contact Mr. Louis Vogeles, Archeologist, at 918-669-4934.

Sincerely,



G. David Steele, P.E.  
Chief, Planning, Environmental,  
and Regulatory Division

Enclosures

03/25/2005 08:17 FAX 9186694306

REGULATORY BR.

010



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, TULSA DISTRICT  
1645 SOUTH 101ST EAST AVENUE  
TULSA, OKLAHOMA 74128-4509

October 18, 2004

Planning, Environmental, and Regulatory Division  
Environmental Analysis and Compliance Branch

Mr. Gary McAdams, President  
Wichita and Affiliated Tribes of Oklahoma  
P.O. Box 729  
Anadarko, OK 73005

Dear President McAdams:

In accordance with 36 CFR 800.4, Protection of Historic Properties, the purpose of this letter is to request your assistance in identifying cultural properties that may be of traditional religious or cultural significance to the Wichita and Affiliated Tribes of Oklahoma in property proposed for disposal at Lake Texoma in Marshall County, Oklahoma.

Section 563(e) of the Water Resource Development Act (WRDA) of 1999, Public Law 106-53, 113 Stat. 269, directs the Federal Government to convey all right, title, and interest in property included as part of the Lake Texoma State Park to the State of Oklahoma at fair market value. As requested by the State of Oklahoma, the property to be disposed of totals approximately 560 acres, and is located in Sections 22, 25, 26, 27, 35, and 36, T6S R5E in Marshall County, Oklahoma (see enclosed maps). The U.S. Army Corps of Engineers (USACE), Tulsa District, has administered the lands involved in this disposal since their purchase in the 1940s.

A cultural resources survey of the proposed property to be disposed of will be performed in the near future, and the results of this survey will be coordinated with your office. In order to assist us in the assessment of the potential impacts of the proposed property disposal on cultural resources, we are requesting information that the Wichita and Affiliated Tribes are willing to share on any traditional religious or culturally significant properties located within the proposed project area so that we may adequately assess the effects of the proposed project on cultural resources.

03/25/2005 08:17 FAX 9186694306

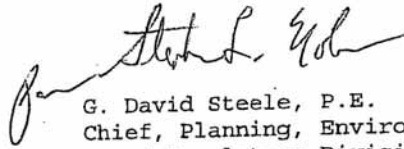
REGULATORY BR.

011

-2-

Thank you for your help with this request. If you have any questions, please contact Mr. Louis Vogeles, Archeologist, at 918-669-4934.

Sincerely,



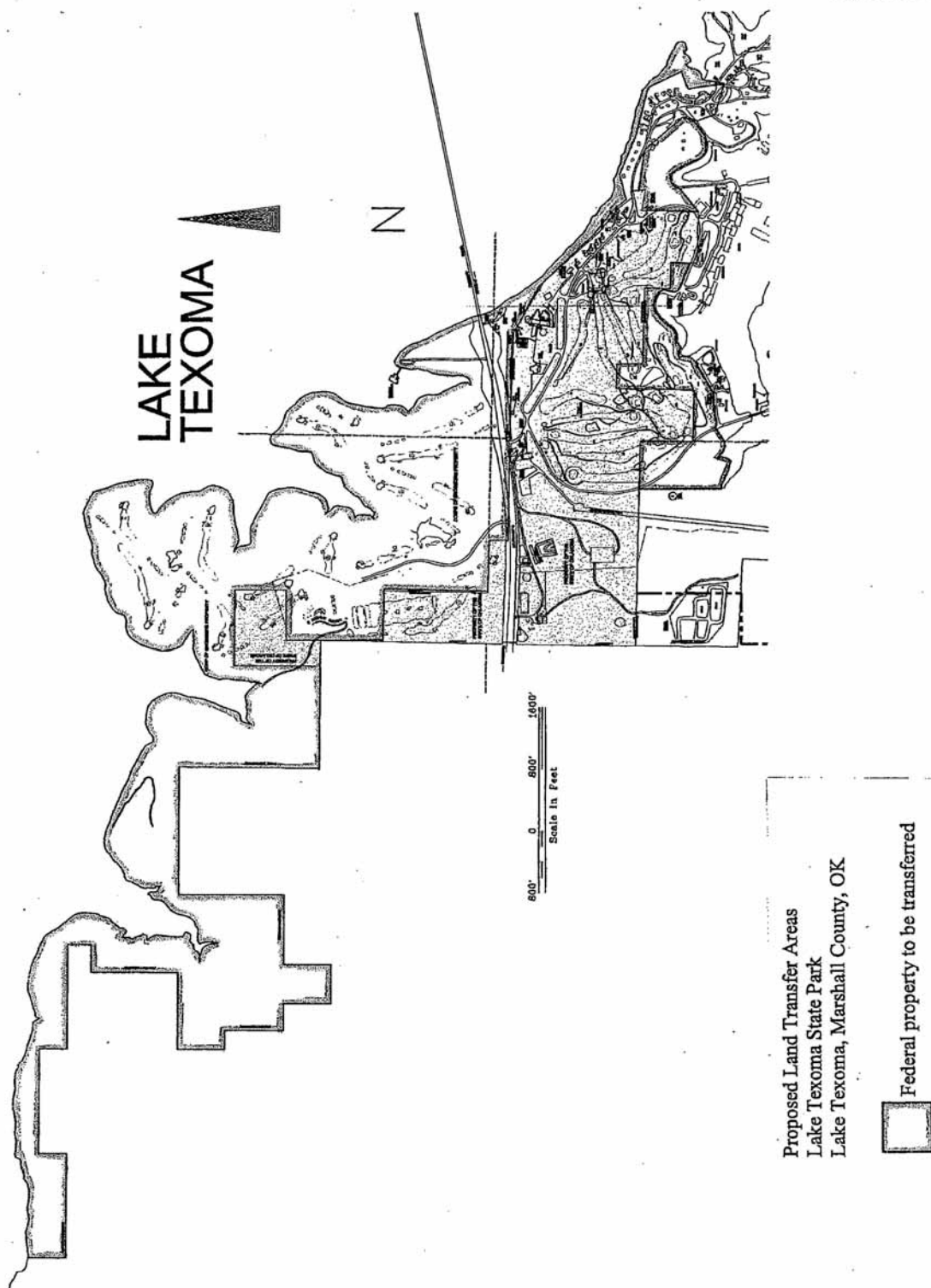
G. David Steele, P.E.  
Chief, Planning, Environmental,  
and Regulatory Division

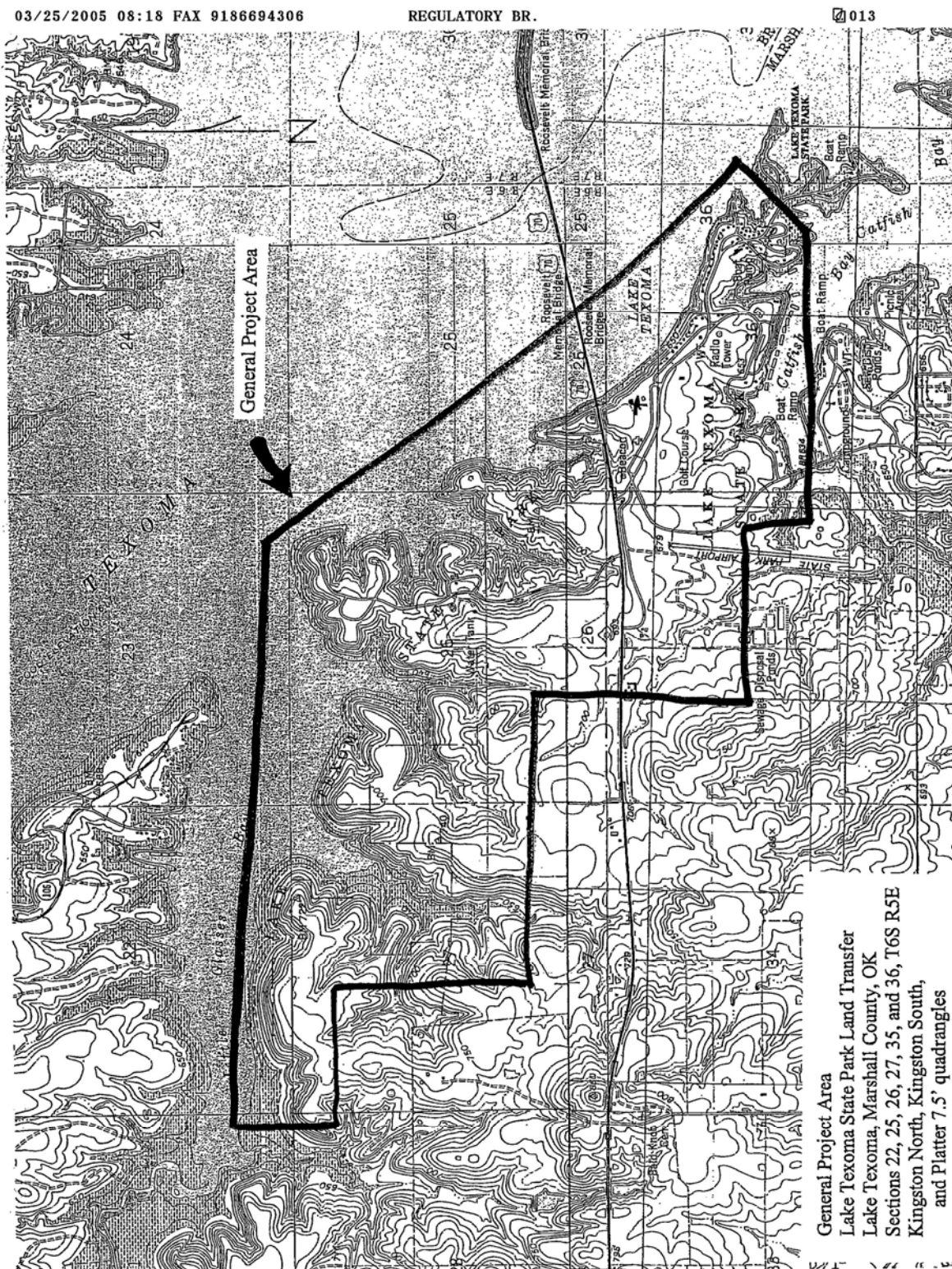
Enclosures

03/25/2005 08:18 FAX 9186694306

REGULATORY BR.

012







04/05/2005 13:04 FAX 9186694306

REGULATORY BR.

002



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, TULSA DISTRICT  
1645 SOUTH 101ST EAST AVENUE  
TULSA, OKLAHOMA 74128-4609

March 28, 2005

Planning, Environmental, and Regulatory Division  
Environmental Analysis and Compliance Branch

Mr. Terry Cole  
Choctaw Nation of Oklahoma  
P.O. Drawer 1210  
Durant, OK 74720

Dear Mr. Cole:

In accordance with 36 CFR 800.4, Protection of Historic Properties, the purpose of this letter is to request your assistance in identifying cultural properties that may be of traditional religious or cultural significance to the Choctaw Nation in property proposed for disposal at Lake Texoma in Marshall County, Oklahoma.

Section 563(e) of the Water Resource Development Act (WRDA) of 1999, Public Law 106-53, 113 Stat. 269, directs the Federal Government to convey all right, title, and interest in property included as part of the Lake Texoma State Park to the State of Oklahoma at fair market value. As requested by the State of Oklahoma, the property to be disposed of totals approximately 564 acres, and is located in Sections 22, 25, 26, 27, 35, and 36, T6S R5E in Marshall County, Oklahoma (see enclosed maps). The U.S. Army Corps of Engineers (USACE), Tulsa District, has administered the lands involved in this disposal since their purchase in the 1940s.

Several archeological surveys have been conducted in the area proposed for disposal. In 1997 a survey was conducted by Dr. Frank Winchell on 100 acres of the disposal area in advance of the proposed construction of a golf course by the Oklahoma Tourism and Recreation Department (see enclosed map). No cultural resources were identified during this survey. In 2003, Briscoe Consulting Services conducted an archeological survey for proposed sewer improvements by the Oklahoma Tourism and Recreation Department on portions of the proposed disposal property (see enclosed map). No cultural resources were recorded on any of the property proposed for disposal.

04/05/2005 13:04 FAX 9186694306

REGULATORY BR.


003

-2-

Most recently, an archeological survey of the proposed property to be disposed of was undertaken by engineering-environmental Management, Inc. (e2M) in January 2005 (see enclosed report). One previously recorded site (34MA33) was revisited but no archeological remains were identified. In order to assist us in the assessment of the potential impacts of the proposed property disposal on cultural resources, we are requesting information that the Choctaw Nation is willing to share on any traditional religious or culturally significant properties located within the proposed project area so that we may adequately assess the effects of the proposed project on cultural resources.

Thank you for your help with this request. If you have any questions, please contact Mr. Louis Vogeles, Archeologist, at 918-669-4934.

Sincerely,



Stephen L. Nolen  
Chief, Environmental Analysis  
and Compliance Branch

Enclosure

04/05/2005 13:04 FAX 9186694306

REGULATORY BR.

004



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, TULSA DISTRICT  
1645 SOUTH 101ST EAST AVENUE  
TULSA, OKLAHOMA 74128-4609

March 28, 2005

Planning, Environmental, and Regulatory Division  
Environmental Analysis and Compliance Branch

Ms. Rena Duncan  
Chickasaw Nation of Oklahoma  
P.O. Box 1548  
Ada, OK 74821

Dear Ms. Duncan:

In accordance with 36 CFR 800.4, Protection of Historic Properties, the purpose of this letter is to request your assistance in identifying cultural properties that may be of traditional religious or cultural significance to the Chickasaw Nation in property proposed for disposal at Lake Texoma in Marshall County, Oklahoma.

Section 563(e) of the Water Resource Development Act (WRDA) of 1999, Public Law 106-53, 113 Stat. 269, directs the Federal Government to convey all right, title, and interest in property included as part of the Lake Texoma State Park to the State of Oklahoma at fair market value. As requested by the State of Oklahoma, the property to be disposed of totals approximately 564 acres, and is located in Sections 22, 25, 26, 27, 35, and 36, T6S R5E in Marshall County, Oklahoma (see enclosed maps). The U.S. Army Corps of Engineers (USACE), Tulsa District, has administered the lands involved in this disposal since their purchase in the 1940s.

Several archeological surveys have been conducted in the area proposed for disposal. In 1997 a survey was conducted by Dr. Frank Winchell on 100 acres of the disposal area in advance of the proposed construction of a golf course by the Oklahoma Tourism and Recreation Department (see enclosed map). No cultural resources were identified during this survey. In 2003, Briscoe Consulting Services conducted an archeological survey for proposed sewer improvements by the Oklahoma Tourism and Recreation Department on portions of the proposed disposal property (see enclosed map). No cultural resources were recorded on any of the property proposed for disposal.

04/05/2005 13:05 FAX 9186694306

REGULATORY BR.

005

-2-

Most recently, an archeological survey of the proposed property to be disposed of was undertaken by engineering-environmental Management, Inc. (e2M) in January 2005 (see enclosed report). One previously recorded site (34MA33) was revisited but no archeological remains were identified. In order to assist us in the assessment of the potential impacts of the proposed property disposal on cultural resources, we are requesting information that the Chickasaw Nation is willing to share on any traditional religious or culturally significant properties located within the proposed project area so that we may adequately assess the effects of the proposed project on cultural resources.

Thank you for your help with this request. If you have any questions, please contact Mr. Louis Vogeles, Archeologist, at 918-669-4934.

Sincerely,



Stephen L. Nolen  
Chief, Environmental Analysis  
and Compliance Branch

Enclosure

04/05/2005 13:05 FAX 9186694306

REGULATORY BR.

006



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, TULSA DISTRICT  
1645 SOUTH 101ST EAST AVENUE  
TULSA, OKLAHOMA 74128-4609

March 28, 2005

Planning, Environmental, and Regulatory Division  
Environmental Analysis and Compliance Branch

Mr. John Berrey, Chairman  
Quapaw Tribe of Oklahoma  
P.O. Box 765  
Quapaw, OK 74363

Dear Chairman Berrey:

In accordance with 36 CFR 800.4, Protection of Historic Properties, the purpose of this letter is to request your assistance in identifying cultural properties that may be of traditional religious or cultural significance to the Quapaw Tribe in property proposed for disposal at Lake Texoma in Marshall County, Oklahoma.

Section 563(e) of the Water Resource Development Act (WRDA) of 1999, Public Law 106-53, 113 Stat. 269, directs the Federal Government to convey all right, title, and interest in property included as part of the Lake Texoma State Park to the State of Oklahoma at fair market value. As requested by the State of Oklahoma, the property to be disposed of totals approximately 564 acres, and is located in Sections 22, 25, 26, 27, 35, and 36, T6S R5E in Marshall County, Oklahoma (see enclosed maps). The U.S. Army Corps of Engineers (USACE), Tulsa District, has administered the lands involved in this disposal since their purchase in the 1940s.

Several archeological surveys have been conducted in the area proposed for disposal. In 1997 a survey was conducted by Dr. Frank Winchell on 100 acres of the disposal area in advance of the proposed construction of a golf course by the Oklahoma Tourism and Recreation Department (see enclosed map). No cultural resources were identified during this survey. In 2003, Briscoe Consulting Services conducted an archeological survey for proposed sewer improvements by the Oklahoma Tourism and Recreation Department on portions of the proposed disposal property (see enclosed map). No cultural resources were recorded on any of the property proposed for disposal.

04/05/2005 13:05 FAX 9186694306

REGULATORY BR.

007

-2-

Most recently, an archeological survey of the proposed property to be disposed of was undertaken by engineering-environmental Management, Inc. (e2M) in January 2005 (see enclosed report). One previously recorded site (34MA33) was revisited but no archeological remains were identified. In order to assist us in the assessment of the potential impacts of the proposed property disposal on cultural resources, we are requesting information that the Quapaw Tribe is willing to share on any traditional religious or culturally significant properties located within the proposed project area so that we may adequately assess the effects of the proposed project on cultural resources.

Thank you for your help with this request. If you have any questions, please contact Mr. Louis Vogeles, Archeologist, at 918-669-4934.

Sincerely,



Stephen L. Nolen  
Chief, Environmental Analysis  
and Compliance Branch

Enclosure

04/05/2005 13:05 FAX 9186694306

REGULATORY BR.

008



**DEPARTMENT OF THE ARMY**  
CORPS OF ENGINEERS, TULSA DISTRICT  
1645 SOUTH 101ST EAST AVENUE  
TULSA, OKLAHOMA 74128-4609

March 28, 2005

Planning, Environmental, and Regulatory Division  
Environmental Analysis and Compliance Branch

Mr. Gary McAdams, President  
Wichita and Affiliated Tribes of Oklahoma  
P.O. Box 729  
Anadarko, OK 73005

Dear President McAdams:

In accordance with 36 CFR 800.4, Protection of Historic Properties, the purpose of this letter is to request your assistance in identifying cultural properties that may be of traditional religious or cultural significance to the Wichita and Affiliated Tribes in property proposed for disposal at Lake Texoma in Marshall County, Oklahoma.

Section 563(e) of the Water Resource Development Act (WRDA) of 1999, Public Law 106-53, 113 Stat. 269, directs the Federal Government to convey all right, title, and interest in property included as part of the Lake Texoma State Park to the State of Oklahoma at fair market value. As requested by the State of Oklahoma, the property to be disposed of totals approximately 564 acres, and is located in Sections 22, 25, 26, 27, 35, and 36, T6S R5E in Marshall County, Oklahoma (see enclosed maps). The U.S. Army Corps of Engineers (USACE), Tulsa District, has administered the lands involved in this disposal since their purchase in the 1940s.

Several archeological surveys have been conducted in the area proposed for disposal. In 1997 a survey was conducted by Dr. Frank Winchell on 100 acres of the disposal area in advance of the proposed construction of a golf course by the Oklahoma Tourism and Recreation Department (see enclosed map). No cultural resources were identified during this survey. In 2003, Briscoe Consulting Services conducted an archeological survey for proposed sewer improvements by the Oklahoma Tourism and Recreation Department on portions of the proposed disposal property (see enclosed map). No cultural resources were recorded on any of the property proposed for disposal.

04/05/2005 13:05 FAX 9186694306

REGULATORY BR.

009

-2-

Most recently, an archeological survey of the proposed property to be disposed of was undertaken by engineering-environmental Management, Inc. (e2M) in January 2005 (see enclosed report). One previously recorded site (34MA33) was revisited but no archeological remains were identified. In order to assist us in the assessment of the potential impacts of the proposed property disposal on cultural resources, we are requesting information that the Wichita and Affiliated Tribes are willing to share on any traditional religious or culturally significant properties located within the proposed project area so that we may adequately assess the effects of the proposed project on cultural resources.

Thank you for your help with this request. If you have any questions, please contact Mr. Louis Vogeles, Archeologist, at 918-669-4934.

Sincerely,



Stephen L. Nolen  
Chief, Environmental Analysis  
and Compliance Branch

Enclosure



04/05/2005 13:06 FAX 9186694306

REGULATORY BR.

010



**DEPARTMENT OF THE ARMY**  
CORPS OF ENGINEERS, TULSA DISTRICT  
1645 SOUTH 101ST EAST AVENUE  
TULSA, OKLAHOMA 74128-4609

March 28, 2005

Planning, Environmental, and Regulatory Division  
Environmental Analysis and Compliance Branch

Mr. Robert Cast  
Cultural Resource Management  
Caddo Tribe of Oklahoma  
P.O. Box 487  
Binger, OK 73009

Dear Mr. Cast:

In accordance with 36 CFR 800.4, Protection of Historic Properties, the purpose of this letter is to request your assistance in identifying cultural properties that may be of traditional religious or cultural significance to the Caddo Tribe in property proposed for disposal at Lake Texoma in Marshall County, Oklahoma.

Section 563(e) of the Water Resource Development Act (WRDA) of 1999, Public Law 106-53, 113 Stat. 269, directs the Federal Government to convey all right, title, and interest in property included as part of the Lake Texoma State Park to the State of Oklahoma at fair market value. As requested by the State of Oklahoma, the property to be disposed of totals approximately 564 acres, and is located in Sections 22, 25, 26, 27, 35, and 36, T6S R5E in Marshall County, Oklahoma (see enclosed maps). The U.S. Army Corps of Engineers (USACE), Tulsa District, has administered the lands involved in this disposal since their purchase in the 1940s.

Several archeological surveys have been conducted in the area proposed for disposal. In 1997 a survey was conducted by Dr. Frank Winchell on 100 acres of the disposal area in advance of the proposed construction of a golf course by the Oklahoma Tourism and Recreation Department (see enclosed map). No cultural resources were identified during this survey. In 2003, Briscoe Consulting Services conducted an archeological survey for proposed sewer improvements by the Oklahoma Tourism and Recreation Department on portions of the proposed disposal property (see enclosed map). No cultural resources were recorded on any of the property proposed for disposal.

04/05/2005 13:06 FAX 9186694306

REGULATORY BR.

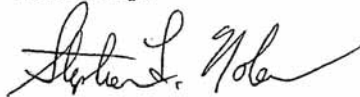
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-2-

Most recently, an archeological survey of the proposed property to be disposed of was undertaken by engineering-environmental Management, Inc. (e2M) in January 2005 (see enclosed report). One previously recorded site (34MA33) was revisited but no archeological remains were identified. In order to assist us in the assessment of the potential impacts of the proposed property disposal on cultural resources, we are requesting information that the Caddo Tribe is willing to share on any traditional religious or culturally significant properties located within the proposed project area so that we may adequately assess the effects of the proposed project on cultural resources.

Thank you for your help with this request. If you have any questions, please contact Mr. Louis Vogeles, Archeologist, at 918-669-4934.

Sincerely,



Stephen L. Nolen  
Chief, Environmental Analysis  
and Compliance Branch

Enclosure

04/05/2005 13:06 FAX 9186694306

REGULATORY BR.

012



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, TULSA DISTRICT  
1645 SOUTH 101ST EAST AVENUE  
TULSA, OKLAHOMA 74128-4609

March 29, 2005

Planning, Environmental, and Regulatory Division  
Environmental Analysis and Compliance Branch

Dr. Robert Brooks  
State Archeologist  
Oklahoma Archeological Survey  
111 East Chesapeake  
Norman, OK 73019-0575

Dear Dr. Brooks:

The purpose of this letter is to initiate consultation pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, concerning the proposed disposal of approximately 564 acres of federal property at Lake Texoma in Marshall County, Oklahoma.

Section 563(e) of the Water Resources Development Act (WRDA) of 1999, Public Law 106-53, 113 Stat. 269, directs the Federal Government to convey all right, title, and interest in property included as part of the Lake Texoma State Park to the State of Oklahoma at fair market value. As requested by the State of Oklahoma, the property to be disposed of totals approximately 564 acres, and is located in Sections 22, 25, 26, 27, 35, and 36, T6S R5E in Marshall County, Oklahoma (see enclosed maps). The U.S. Army Corps of Engineers (USACE), Tulsa District, has administered the lands involved in this proposed disposal since their purchase in the 1940s.

Several archeological surveys have been conducted in the area proposed for disposal. In 1997 a survey was conducted by Dr. Frank Winchell, USACE, on 100 acres of the disposal area in advance of the proposed construction of a golf course by the Oklahoma Tourism and Recreation Department (see enclosed map). The results of this survey were documented in the letter report entitled "Cultural Resources Inventory of a 100 Acre Area of Federal Land at Texoma State Park, Lake Texoma, Marshall County, Oklahoma" and were submitted to your office in July 1997. No cultural resources were found during this survey, and USACE argued that the proposed construction of the golf course would have no effect on cultural resources. Your office concurred

-2-

with our determination of no effect in a letter dated July 15, 1997, and the Oklahoma State Historic Preservation Office concurred with our determination of no effect in a letter dated August 8, 1997 (see enclosed letters).

In 2003, Briscoe Consulting Services conducted an archeological survey for proposed sewer improvements by the Oklahoma Tourism and Recreation Department on portions of the proposed disposal property (see enclosed map). The results of this survey were documented in the report entitled "Archeological Survey Report on the Oklahoma Tourism and Recreation Department Proposed Sewer Improvements, Lake Texoma State Park, Marshall County, Oklahoma" and were submitted to your office in July 2003. No cultural resources were recorded on any of the property proposed for disposal. Your office concurred with USACE that there are no historic properties present in the surveyed area in a letter dated July 18, 2003, and the Oklahoma State Historic Preservation Office concurred with our determination of no historic properties present in a letter dated July 29, 2003 (see enclosed letters).

Most recently, an archeological survey of the remainder of the proposed disposal property not yet surveyed for cultural resources was undertaken by engineering-environmental Management, Inc. (e2M) in January 2005 (see enclosed report). One previously recorded site (34MA33) was revisited but no archeological remains were identified at the documented location of this site. Consultation with the Caddo, Chickasaw, Choctaw, Quapaw, and Wichita and Affiliated Tribes have not yet revealed any concerns regarding the proposed disposal of the 564 acres at Lake Texoma State Park.

Because no archeological sites were located within the proposed project area and consultation with potentially affected Native American tribes has not revealed any concerns about the proposed property disposal, we feel that the proposed disposal of the 564 acres to the State of Oklahoma will have no effect on historic properties in the proposed project area. We request your comment on our opinion of effect regarding this project.

04/05/2005 13:07 FAX 9186694306

REGULATORY BR.

014

-3-

Thank you for your help with this request. If you have any questions, please contact Mr. Louis Vogeles, Archeologist, at 918-669-4934.

Sincerely,



Stephen L. Nolen  
Chief, Environmental Analysis  
and Compliance Branch

Enclosures



04/05/2005 13:07 FAX 9186694306

REGULATORY BR.

015



DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, TULSA DISTRICT  
1645 SOUTH 101ST EAST AVENUE  
TULSA, OKLAHOMA 74128-4609

March 29, 2005

Planning, Environmental, and Regulatory Division  
Environmental Analysis and Compliance Branch

Dr. Bob Blackburn  
State Historic Preservation Officer  
Oklahoma Historical Society  
2704 Villa Prom, Shepherd Mall  
Oklahoma City, OK 73107

Dear Dr. Blackburn:

The purpose of this letter is to initiate consultation pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, concerning the proposed disposal of approximately 564 acres of federal property at Lake Texoma in Marshall County, Oklahoma.

Section 563(e) of the Water Resources Development Act (WRDA) of 1999, Public Law 106-53, 113 Stat. 269, directs the Federal Government to convey all right, title, and interest in property included as part of the Lake Texoma State Park to the State of Oklahoma at fair market value. As requested by the State of Oklahoma, the property to be disposed of totals approximately 564 acres, and is located in Sections 22, 25, 26, 27, 35, and 36, T6S R5E in Marshall County, Oklahoma (see enclosed maps). The U.S. Army Corps of Engineers (USACE), Tulsa District, has administered the lands involved in this proposed disposal since their purchase in the 1940s.

Several archeological surveys have been conducted in the area proposed for disposal. In 1997 a survey was conducted by Dr. Frank Winchell, USACE, on 100 acres of the disposal area in advance of the proposed construction of a golf course by the Oklahoma Tourism and Recreation Department (see enclosed map). The results of this survey were documented in the letter report entitled "Cultural Resources Inventory of a 100 Acre Area of Federal Land at Texoma State Park, Lake Texoma, Marshall County, Oklahoma" and the report was submitted to your office in July 1997. No cultural resources were found during this survey, and USACE argued that the proposed construction of the golf course

-2-

would have no effect on cultural resources. Your office concurred with our determination of no effect in a letter dated July 15, 1997, and the Oklahoma State Historic Preservation Office concurred with our determination of no effect in a letter dated August 8, 1997 (see enclosed letters).

In 2003, Briscoe Consulting Services conducted an archeological survey for proposed sewer improvements by the Oklahoma Tourism and Recreation Department on portions of the proposed disposal property (see enclosed map). The results of this survey were documented in the report entitled "Archeological Survey Report on the Oklahoma Tourism and Recreation Department Proposed Sewer Improvements, Lake Texoma State Park, Marshall County, Oklahoma" and were submitted to your office in July 2003. No cultural resources were recorded on any of the property proposed for disposal. Your office concurred with USACE that there are no historic properties present in the surveyed area in a letter dated July 18, 2003, and the Oklahoma State Historic Preservation Office concurred with our determination of no historic properties present in a letter dated July 29, 2003 (see enclosed letters).

Most recently, an archeological survey of the remainder of the proposed disposal property not yet surveyed for cultural resources was undertaken by engineering-environmental Management, Inc. (e2M) in January 2005 (see enclosed report). One previously recorded site (34MA33) was revisited but no archeological remains were identified at the documented location of this site. Consultation with the Caddo, Chickasaw, Choctaw, Quapaw, and Wichita and Affiliated Tribes have not yet revealed any concerns regarding the proposed disposal of the 564 acres at Lake Texoma State Park.

Because no archeological sites were located within the proposed project area and consultation with potentially affected Native American tribes has not revealed any concerns about the proposed property disposal, we feel that the proposed disposal of the 564 acres to the State of Oklahoma will have no effect on historic properties in the proposed project area. We request your comment on our opinion of effect regarding this project.



04/05/2005 13:07 FAX 9186694306

REGULATORY BR.

017

-3-

Thank you for your help with this request. If you have any questions, please contact Mr. Louis Vogeles, Archeologist, at 918-669-4934.

Sincerely,



Stephen L. Nolen  
Chief, Environmental Analysis  
and Compliance Branch

Enclosures



## **APPENDIX D: PUBLIC NOTICE, COMMENTS, AND AGENCY RESPONSES**



MAY 23, 2005 2:21PM PARIS NEWS NO. 105 P. 2

# RIES

## The Paris News

Friday, January 21, 2005 • Page 6

ation including San Francisco, drug available to people  
input developed post-exposure exposed through non-work  
blind protocols for treating gay men activities



**2 DAYS ONLY**  
WEDNESDAY, JAN. 22 & MONDAY, JAN. 24

**20% OFF** STOREWIDE  
Including Sale Merchandise

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SHOE STORE

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Final  
No Layaways

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**ANNOUNCING COMMENT PERIOD**  
**DRAFT ENVIRONMENTAL ASSESSMENT**  
as related to the  
Draft Environmental Assessment of the Lake Texoma  
Storage Reallocation Study, Lake Texoma, Oklahoma  
and Texas  
in compliance with  
The National Environmental Policy Act  
**FORMAL COMMENT PERIOD: January 21, 2005**  
through February 21, 2005

The Draft Environmental Assessment addresses the environmental and socioeconomic effects of the reallocation of approximately 300,000 acre-feet from hydropower storage to water supply storage at Lake Texoma. The comment period is a continuation of public involvement used to develop the Draft Environmental Assessment. The public is invited to review the Draft Environmental Assessment and make comments. A copy is available at the following locations:

**Denison Public Library**  
300 W Gandy St  
Denison, TX 75020

**Robert L. Williams Public Library**  
323 W Beech St  
Durant, OK 74701

Written comments and questions will be addressed in the Final Environmental Assessment; to be included, comments and questions must be received prior to the close of the formal comment period. Comments and questions about the Draft Environmental Assessment or the comment process can be directed to:

**Mr. Stephen Nolen**  
Chief, Environmental Analysis & Compliance Branch  
Tulsa District Corps of Engineers  
1645 S. 101<sup>st</sup> East Avenue  
Tulsa, OK 74128-4629  
Phone: 918-669-7660  
Fax: 918-669-7546  
E-Mail: [Stephen.L.Nolen@usace.army.mil](mailto:Stephen.L.Nolen@usace.army.mil)

Proof of Publication, *The Paris News*, Paris, Texas



COMMENT RESPONSE MATRIX				
Draft Environmental Assessment				
Project: Sale of Land at Lake Texoma, Oklahoma				
Comment No.	Location		Comment	USACE Response
	Section	Page		
11.0 BUSINESS COMMENTS				
Little Glasses Resort & Marina				
	Section 1.2		<p>A paragraph in Section 1.2 of the draft EA entitled Concession Comments acknowledges our earlier comments and our recommendations. However, the wording in the response seems to indicate to potential readers that all of our concerns are mitigated and that our recommendations help offset some of the impacts that could result from the land sale. Unfortunately, the concerns are not adequately addressed in the remainder of the document and many of the recommendations are not discussed.</p> <p>The sale and subsequent development may indeed have economic benefits to the area. However, most of the draft EA makes assumptions regarding potential development and what steps developers would take to protect the environment and lake. However, safeguards are not in place to control subsequent private developers that purchase land from the Oklahoma Commissioners of the Land Office. The OCLA has a vision of what developers will do but cannot control development by their own agency and certainly cannot control private developers once the land is sold. We are concerned that developers attempting to maximize profits may lean towards very high-density housing and will not be adequately concerned about surface runoff and sewage treatment, etc. and the well being of the lake.</p> <p>The only potential restrictions by the COE will be in the lower elevations addressed by the Shoreline Management Plan. This area is currently designated as either Public Recreation Area or Aesthetic. An AIS is pending for the entire lake to assist in development of a revised SMP. This land sale is progressing without waiting for the insight of the EIS and yet this land sale has more potential impact to the lake than other proposed projects around the lake.</p>	<p>Since the EA is for the land sale, the subsequent development represents an indirect effect as a result of the land sale. Until the land is sold, final development plans are not available. However, any future development will be subject to federal state and local regulations related to development, water pollution controls, storm water runoff controls, sewage treatment, waste disposal, and other regulations governing potential environmental impacts from the land use. The developer will be required to obtain appropriate approvals and permits prior to beginning that aspect of development and additional public comment periods may be available as part of that process. This EA addresses those potential environmental impacts according to the details currently available, but is not intended to be the end process for permit applications for future development. The EA includes a discussion of future regulatory requirements in Section 6.0 Mitigation Plan.</p>

COMMENT RESPONSE MATRIX				
Draft Environmental Assessment				
Project: Sale of Land at Lake Texoma, Oklahoma				
Comment No.	Location		Comment	USACE Response
	Section	Page		
			For example, assumptions are made that the Kingston sewer system will be expanded to meet the needs of some assumed development. It is not clear how much wastewater will be generated and where the treated water will be discharged. Apparently this discharge eventually ends up in Lake Texoma so adequate treatment is critical.	
SCOPING COMMENTS				
Little Glasses Resort & Marina				
			<p>Discussions with the CLO and others underscore the economic benefits to the area, and as a result, many people are anxious to proceed and have lost sight of the fact that one of the purposes of the Lake is public recreation and access. The COE has performed an excellent job of limiting private development maximizing public access. Once the land is sold to the CLO, it will be opened up to private companies and individuals whose primary goal is profit. The CLO has a vision of what development they foresee but must admit they have no real control once the land is sold. Similarly, the COE will lose control even if the land/water below 617 or 69 is retained. Private and political pressure will be used to take control of the waterfront and the existing Shoreline Management Plan will likely be ignored.</p> <p>From a business standpoint, we may benefit by additional and upscale development in the area. However, one concern is competition for activities our concession is authorized to provide. Boat slip rental is a major area of our business that would be impacted if commercial, community or private boat docks were allowed in the area. The COE is currently receiving numerous requests for private and community docks. A surge is also coming from private developers seeking to enhance the value of their developments. The COE is currently reviewing the Texoma Shoreline Management Plan and will receive many requests to open the lake for private development and structures. Unfortunately, this cannot be done without limiting public access. Marinas such as ours have partnered with the COE to provide such facilities without jeopardizing the public or the lake. At the time we signed our lease, we had clear direction that no additional marinas or docks would be allowed in the area. We</p>	<p>The development activities along Lake Texoma would be subject to numerous federal, state and local regulations governing the construction and handling of potential pollutants to the lake. Agencies responsible for the regulations governing development and potential pollutants would be responsible to oversee any construction and subsequent increases in services and facilities and their associated impact to the lake. This environmental assessment is not intended to be the final process for future development. Potential additional regulatory requirements are included in the discussion in Section 6.0 Mitigation Plan.</p>



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			<p>have borrowed money and built to the projected market. Our creditors have the same understanding regarding area competition.</p> <p>Environmental concerns must also be considered. Any additional development has the potential of increasing pollution of Texoma. Although efforts will be made to limit such damage, the fact it that additional people increase the risk. This is especially true with private development and individual homeowners. We are excellent stewards of the environment and have a clear objective to avoid pollution of the lake. Additionally, many regulatory agencies provide oversight of our operation. This is impossible with private facilities. We offer numerous approved restroom facilities as well as marine sanitation pump-out facilities. Additionally we have spill containment equipment available on our fuel dock. Contrast this with private docks with no sanitary facilities and numerous boat owners carrying (and spilling) fuel into the lake. Additional development in the area being sold will result in extensive surface water run off which brings contaminants such as fertilizer into the pristine Little Glasses cove. We understand plans include bringing sewer collection lines into the area so no septic tanks or lagoon systems should be allowed in the area which will minimize fecal runoff. However, more people invariably bring more pollution.</p> <p>Specific Recommendations:</p> <ol style="list-style-type: none"> <li>1. The area is currently shown as either Public Recreation Area or Aesthetic in the Shoreline Management Plan. This designation should be retained or made more restrictive in order to control the proliferation of private boathouses and docks.</li> <li>2. All private development plans must be closely monitored to minimize pollution of the lake. We anticipate the COE will have very little oversight once the sale is completed. However, they have the knowledge and responsibility to protect the lake. Restrictions should be included in any sales agreement to achieve this goal since, once the sale occurs, there is no going back. Future development will only increase</li> </ol>	<ol style="list-style-type: none"> <li>1. The Shoreline Management Plan may need to be re-evaluated once final development plans are completed if additional boathouses or docks are planned. No private boathouses or docks are currently part of the planned development. Day-use courtesy docks are part of the planned development, but such day-use docks would not impacts slip rental for other facilities that are traditionally overnight facilities.</li> </ol>

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			<p>the traffic and politics will dictate more and more development.</p> <p>3. It will be very difficult to fully analyze the environmental impact to the lake with an Environmental Assessment since no one knows for sure what development will result in the area. As indicated, the CLO has a vision but once the land is sold, virtually anything can be done. This development will be driven by profit motives rather than considering what is best for the lake and the environment.</p> <p>4. Economic impact must be studied to assure area businesses (such as ours) are not negatively damaged. Although competition is typically a good thing, our relationship with the COE is based on our ability to properly and economically meet the needs of the public. Competition subsidized by large developments and wealthy individuals does not result in a level playing field. These developers will build whatever is the most profitable for them. On the other hand, many of our activities are simply to meet the needs of the public and result in an economic loss rather than profit. There is a common misconception that we derive our income from fuel sales and our convenience store. However these do not generate revenue nor do services such as pump-out facilities and restroom facilities. Slip rental subsidizes these operations. We are not allowed to provide highly profitable enterprises such as condominiums, private boathouses, private home sites, etc. etc. that private developers will provide. Therefore, private boathouses and community docks have the same impact as an additional marina.</p>	<p>2. As discussed above, pollution to the lake would be monitored by a variety of federal, state, and local agencies with the specific authority for the particular pollutant (i.e. potential pollution from storm water runoff, handling of sewage, handling of solid wastes, etc. (see Section 6.0 Mitigation Plan).</p> <p>3. The environmental assessment analyzes potential impacts based on the current development plans. The final development will be subject to various federal, state and local regulations governing development and potential pollution as a result of such development (see Section 6.0 Mitigation Plan).</p> <p>4. Economic impacts from the proposed development are discussed in the environmental assessment as indirect impacts as a result of the sale. The sale itself would have no direct impacts on the economy; it is what happens after the sale that would cause the impacts. As discussed above, private boathouses and docks are not part of the current plans. Day-use courtesy docks are part of the plan, but would not impact rental slips that are available for longer term use.</p>
U.S. Fish and Wildlife Service				
			<p>..the federally-listed species likely to occur near Lake Texoma would include the bald eagle <i>Haliaeetus leucocephalus</i>, interior least tern <i>Sterna antillarum</i>, piping plover <i>Charadrius melodus</i>, whooping crane <i>Grus Americana</i>, and American burying beetle <i>Nicrophorus americanus</i>. We are assuming that the state is attempting to acquire the land to enhance or extend recreational development currently occurring on adjacent lands and that there</p>	<p>Comment noted. Impacts to these species have been addressed in the environmental assessment.</p>

<p align="center"><b>COMMENT RESPONSE MATRIX</b></p> <p align="center"><b>Draft Environmental Assessment</b></p> <p align="center"><b>Project: Sale of Land at Lake Texoma, Oklahoma</b></p>				
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			is some potential for impacts to federally-listed species. The direct and indirect effects of the action on these federally-listed species must be addressed before proceeding with your proposed action.	
			<p>The U.S. Army Corps of Engineers (Corps) frequently permits actions such as clearing of vegetation, docks, leases for marinas and concessions, donating, selling, or leasing lands, easements for pipelines, encroachment of private buildings, and other relatively small projects that cumulatively impact wildlife habitat at Corps projects. Lands previously available for public uses such as camping, hiking, hunting and fishing frequently then become unavailable to the general public. Often little or no mitigation is implemented for many of these actions. However, the Corps continues to address the impact of these small projects individually rather than cumulatively and rarely determines the effects to be anything but insignificant. The Corps even considers many such actions to be exempt from National Environmental Policy Act (NEPA) and does not allow the Service or other entities to review and comment on these actions. In our opinion, the cumulative effect of these actions is that wildlife habitat is degraded, fragmented, or eliminated and little or no mitigation is provided to offset these impacts. Such an approach violates the intent of the Fish and Wildlife Coordination Act and NEPA.</p> <p>This proposed action is another example of project lands and wildlife habitat being affected without any assessment of cumulative effects. The Service would not be opposed to most of these individual actions, provided the Corps considers the cumulative effects and adequately mitigates for those effects. Currently, we are unaware of any efforts by the Corps to assess or mitigate for these cumulative effects. The Service has consistently stressed the need for the Corps to address the cumulative effects of numerous, relatively small habitat impacts on lands owned by the Corps. Similar comments were provided regarding shoreline management plans and this issue was discussed at a March 13, 2001, meeting at the Corps Tulsa District Office.</p>	<p>This Environmental Assessment is being completed for a land sale mandated by Congress. The Corps is required to complete the sale of land. The land sale itself will have no direct effects on wildlife habitat. Indirect effects from future development on wildlife and wildlife habitat have been addressed in the environmental assessment.</p>
Oklahoma Tourism and Recreation Department				

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			<p>We have reviewed the information you have provided regarding the transfer of land at Lake Texoma. Our records indicate that there are five projects that were funded with federal funds under the Land and Water Conservation Fund at Lake Texoma State Park. A description of each project is noted in the attachment to this letter.</p> <p>Ant use of land within this park for other than park and recreation purposes would be a conversion and would be prohibited under Section 6F of the Land and Water Conservation Act. If this transaction moves forward, it will be the responsibility of the project sponsor, the Oklahoma Tourism and Recreation Department, to assure that the conversion is reconciled prior to loss of the recreation estate.</p>	Comment noted. Since the responsibility for conversion of the land to a use for purposes other than park and recreation lies with the Oklahoma Tourism and Recreation Department, no further action is necessary on this issue by the Corps of Engineers.
Oklahoma Department of Wildlife Conservation				
			Based upon this review we have concluded that it is unlikely that the proposed land transfer will have negative impacts on federal or state-listed endangered or threatened species. However, several state and federally threatened or endangered species do exist in Marshall County. These species include the Interior Least Tern, <i>Sterna antillarum</i> ; Bald Eagle, <i>Haliaeetus leucocephalus</i> , and Piping Plover, <i>Charadrius melodus</i> , which rely on large water bodies such as the Red and Washita Rivers for nesting, food resources and migratory refugia. The Bald Eagle and Piping Plover are federally threatened species and the Interior Least Tern is a federally endangered species.	Comment noted. Impacts to these species are discussed in the Environmental Assessment.
Southwestern Power Administration				
			After initial review, Southwestern believes that the land transfer would not have an impact on its operations, but due to the fact that the location of the land to be transferred has not been identified, Southwestern may provide comments to the Corps of Engineers after review of the Draft Environmental Assessment.	Comment noted. No comments were received from Southwestern Power Administration on the draft Environmental Assessment.

Natural Resources Conservation Service				
			At this time, NRCA has no comments concerning the land transfer. We would expect this type of action to have any effects on prime farmlands.	Comment noted.
Jon Smith, Land Owner				
			<p>Would the Corps of Engineers please consider a larger than normal utility easement in order to allow a buffer of land between the Corps property and the owners of property in Rolling Hills Estate, in the Corps of Engineers Environmental Assessment? It is my understanding that when development starts on the 9.2 acres of land adjacent to my property that a strip of land would be used for sewer, water and electricity. If the Environmental Assessment specifically mandates a 50' easement between the real estate of Rolling Hills Estate and the Corps property that has been identified for development. I believe this would be less intrusive to the current owners of real estate in the Rolling Hills Addition. I believe the study should mandate that all utilities be buried and the existing utility poles be removed to allow a natural layout of the land.</p> <p>When I purchased the property in Rolling Hills Estate, it was because of the view and the knowledge that my property backs-up to the Corps of Engineers property, that is uninhabited all the way to the lake. The natural beauty and the serenity of the Corps property was a deciding factor in our purchase several years ago. I have secured a mowing permit to help maintain the view. I must tell you this new development project is bound to cause a displacement of the wildlife, birds and animals when this project proceeds.</p> <p>I feel the U.S. Army Corps of Engineers has the same obligation to the residents of Rolling Hills as they do to the State School Board Land Commissions. I believe this environmental assessment should respect and reflect my views and values also.</p>	<p>The Commissioners of the Land Office will control the development on the land once the land is transferred to them from the Corps. Any restrictions on easements or burying of utility lines would be handled through the Land Office rather than the Corps of Engineers.</p> <p>Impacts to wildlife are evaluated as part of the environmental assessment.</p>
Doug Stump				
			Oklahoma needs to have facilities comparable to the nice resort on the Texas side, I strongly support the sale for development of a new resort and related accommodations.	Comment noted.



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May 5, 2005

This provides comments regarding the Draft Environmental Assessment associated with the sale of COE land to the State of Oklahoma. Earlier comments were provided November 13, 2004.

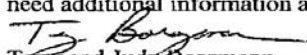
A paragraph in Section 1.2 of the draft EA entitled Concession Comments acknowledges our earlier comments and our recommendations. However, the wording in the response seems to indicate to potential readers that all of our concerns are mitigated and that our recommendations help offset some of the impacts that could result from the land sale. Unfortunately, the concerns are not adequately addressed in the remainder of the document and many of the recommendations are not discussed.

The sale and subsequent development may indeed have economic benefits to the area. However, most of the draft EA makes assumptions regarding potential development and what steps developers would take to protect the environment and lake. However, safeguards are not in place to control subsequent private developers that purchase land from the Oklahoma Commissioners of the Land Office. The OCLA has a vision of what developers will do but cannot control development by their own agency and certainly cannot control private developers once the land is sold. We are concerned that developers attempting to maximize profits may lean towards very high-density housing and will not be adequately concerned about surface runoff and sewage treatment etc. and the well being of the lake.

The only potential restrictions by the COE will be in the lower elevations addressed by the Shoreline Management Plan. This area is currently designated as either Public Recreation Area or Aesthetic. An AIS is pending for the entire lake to assist in development of a revised SMP. This land sale is progressing without waiting for the insight of the EIS and yet this land sale has more potential impact to the lake than other proposed projects around the lake.

For example, assumptions are made that the Kingston sewer system will be expanded to meet the needs of some assumed development. It is not clear how much wastewater will be generated and where the treated water will be discharged. Apparently this discharge eventually ends up in Lake Texoma so adequate treatment is critical.

Thanks for your concerns about our lake and environment. Please let us know if you need additional information at 580-795-2068 or glasses1@trinex.net.

  
Terry and Judy Borgmann

